

**Faculty of Humanities
Centre for Human Rights Education**

**Indonesia's Human Rights Policy Shift and Continuity 1945-2014:
A Neoclassical Realism Perspective**

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Declaration

To the best of my knowledge and belief this thesis contains no material previously published by any other person except where due acknowledgment has been made.

This thesis contains no material which has been accepted for the award of any other degree or diploma in any university.

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Date : 29 August 2014

ABSTRACT

This thesis investigates the continuation or shift of Indonesia's human rights policy from the perspective of realism. As it stands now, the International Relations (IR) literature on third world countries from a realism point of view are limited. Hence, this research aims to explain third world countries' motives and policy responses from a theoretical perspective which could significantly contribute to filling the literature gap. Thus, to better understand Indonesia's human rights policy, unlike the approaches of liberalism or constructivism, which view human rights as a common value or an internationally accepted norm, this thesis applies a realist perspective which views human rights as an instrument of power practised by great or small powers within the domain of domestic and international politics.

As the chosen IR theory, this research utilises a modification of realism's sub-schools (classical realism and neorealism) which is referred to as neoclassical realism. In this thesis, neoclassical realism is used to analyse the interplay between Indonesia's external and internal environments in the shaping of Indonesia's human rights policy. By expanding realism's methodology, apart from focussing on Indonesia's external environment, it also investigates the domestic variables, namely 'domestic power structure' and 'leader perception', which could potentially influence policy choices. By doing so, the research shows how, why and under what circumstances Indonesia pursues certain human rights policy as a response to external stimuli.

Furthermore, in order to fully capture Indonesia's policy continuation or shift, the developed model of neoclassical realism 'domestic power structure-leadership perception' is applied alongside a historical survey in the progression of this thesis research. The historical survey is presented in order to understand the flow of Indonesia's human rights policy from the Sukarno era all the way to the present Susilo Bambang Yudhoyono era. The research also investigates the pattern whereby Indonesia's inter-changeable role as both advocate and violator of human rights can be placed within the given specific context of its own history. Overall the research finds that, through neoclassical realism analysis, Indonesia's human rights policy is greatly affected by the interaction between Indonesia's foreign and domestic politics. In this regard, consistent with realism's stand, Indonesia's human rights policy can be seen as a state strategy, as a small-to-medium power, in responding to external constraints provided by great powers.

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ABBREVIATION LIST

ABRI	<i>Angkatan Bersenjata Republik Indonesia</i> (The Armed Forces of the Republic of Indonesia)
ACFTA	ASEAN-China Free Trade Area
ADB	Asian Development Bank
AEC	ASEAN Economic Community
AICHR	ASEAN Intergovernmental Commission on Human Rights
AJI	<i>Aliansi Jurnalis Independen</i> (The Alliance of Independent Journalists)
AKKBB	<i>Aliansi Kebangsaan untuk Kebebasan Beragama dan Berkeyakinan</i> (National Alliance for Freedom of Religion and Faith)
ANZUS	Australia, New Zealand and United States
APEC	Asia Pacific Economic Forum
ARF	ASEAN Regional Forum
ASEAN	Association of South East Asian Nations
ASC	ASEAN Security Community
ASCC	ASEAN Socio Cultural Community
ASEM	ASEAN-European Union Meeting
ATA	Antiterrorism Technical Assistance
BARNAS	<i>Barisan Nasional</i> (National Front)
BDF	Bali Democracy Forum
BFO	<i>Bijeenkomst voor Federal Overleg</i> (Federal Consultative Assembly)
BIN	<i>Badan Intelijen Nasional</i> (National Intelligence Body)
BPUPKI	<i>Badan Penyelidik Usaha Persiapan Kemerdekaan Indonesia</i> (Investigative Body for Preparatory Work for Indonesian Independence)
CAT	UN Convention against Torture
CERD	UN Convention on the Elimination of Racial Discrimination
CGI	Consultative Group for Indonesia
CoHA	Cessation of Hostilities Agreement

CCP	Chinese Communist Party
CPSU	Communist Party of the Soviet Union
Densus 88	<i>Detasemen Khusus 88</i> (Special Unit 88)
DFAT	Australian Department of Foreign Affairs and Trade
DPR	<i>Dewan Perwakilan Rakyat</i> (People's Representative Council)
EC	European Community
ELSAM	<i>Eksekutif Lembaga Studi Advokasi Masyarakat</i> (Institute for Policy Research and Advocacy)
ETAN	East Timor Advocacy Network
EU	European Union
FPI	<i>Front Pembela Islam</i> (Islamic Defenders Front)
FUI	<i>Forum Ulama Indonesia</i> (Indonesian Clerics Forum)
GANEFO	Games of New Emerging Forces
GBHN	<i>Garis-garis Besar Haluan Negara</i> (Broad National Guidelines)
G30S/PKI	<i>Gerakan 30 September Partai Komunis Indonesia</i> (30 th September Movement of the PKI)
GAM	<i>Gerakan Aceh Merdeka</i> (Aceh Freedom Movement)
Gestapu	<i>Gerakan September Tiga Puluh</i> (30th September Movement)
Gestok	<i>Gerakan Satu Oktober</i> (1 st October Movement)
GoI	Government of Indonesia
GOLKAR	<i>Golongan Karya</i> (Functional Group)
HLP	High Level Panel
HRC	UN Human Rights Council
HTI	<i>Hisbut Tahrir Indonesia</i> (Indonesia's Party of Liberation)
ICC	International Criminal Court
ICCPR	UN International Convention on Civil and Political Rights
ICESCR	UN International Convention on Economic and Social Cultural Rights
IGGI	Inter-Governmental Group for Indonesia
ILO	International Labour Organisation
IMET	International Military Education and Training
IMF	International Monetary Fund
INTERFET	International Force for East Timor

INGO	International Non-Governmental Organisation
IR	International Relations
JI	<i>Jamaah Islamiyah</i>
JCLEC	Jakarta Centre for Legal Enforcement and Counterterrorism
KOPASSUS	Komando Pasukan Khusus (The Special Forces Command)
KOSTRAD	<i>Komando Strategis Angkatan Darat</i> (The Army's Strategic Command)
KOMNAS HAM	<i>Komisi Nasional Hak Asasi Manusia</i> (National Commission on Human Rights)
KNIP	<i>Komite Nasional Indonesia Pusat</i> (Central National Committee of Indonesia)
KONTRAS	<i>Komisi untuk Orang Hilang dan Korban Tindakan Kekerasan</i> (Commission for the Disappeared and Victims of Violence)
KPU	<i>Komisi Pemilihan Umum</i> (General Election Commission)
LBH	<i>Lembaga Bantuan Hukum</i> (Legal Assistance Institute)
LP3ES	<i>Lembaga Penelitian, Pendidikan dan Penerangan Ekonomi dan Sosial</i> (Institute for Social Economic Research Education and Information)
Malari	<i>Malapetaka Lima Belas Januari</i> (15 th January Disaster)
MANIPOL/USDEK	<i>Manifesto Politik</i> (Political Manifesto)/ <i>UUD 1945, Sosialisme Indonesia, Demokrasi Terpimpin, Ekonomi Terpimpin dan Kepribadian Indonesia</i> (UUD 1945, Indonesian Socialism, Guided Democracy, Guided Economy and Indonesian Personality)
Masyumi	<i>Majelis Syuro Muslimin Indonesia</i> (Council of Indonesian Muslim Association)
MUI	<i>Majelis Ulama Indonesia</i> (Indonesian Clerics Council)
MPR	<i>Majelis Permusyawaratan Rakyat</i> (People's Consultative Assembly)
MPRS	<i>Majelis Permusyawaratan Rakyat Sementara</i> (Temporary People's Consultative Assembly)
NAM	Non-Aligned Movement

NASAKOM	<i>Nasionalisme Agama Komunisme</i> (Nationalism-Religion-Communism)
NATO	North Atlantic Treaty Organisation
NEFO	New Emerging Forces
NEKOLIM	Neo Kolonialisme, Kolonialisme dan Imperialisme (Neo-colonialism, Colonialism and Imperialism)
NGOs	Non-Governmental Organisations
NICA	Netherland Indies Civil Administration
NU	<i>Nadhlatul Ulama</i> (Awakening of Religious Scholars)
OHCHR	United Nation Office of High Commissioner of Human rights
ODEFO	Old Established Forces
OPM	<i>Organisasi Papua Merdeka</i> (Free Papua Movement)
PAN	<i>Partai Amanat Nasional</i> (National Mandate Party)
PD	<i>Partai Demokrat</i> (Democratic Party)
PDI	<i>Partai Demokrasi Indonesia</i> (Indonesian Democratic Party)
PDIP	<i>Partai Demokrasi Indonesia Perjuangan</i> (Indonesian Democratic Party of Struggle)
PDS	<i>Partai Damai Sejahtera</i> (Peace and Prosperity Party)
Petrus	<i>Penembakan Misterius</i> (Mysterious Shootings)
PKB	<i>Partai Kebangkitan Bangsa</i> (National Awakening Party)
PKI (CPI)	<i>Partai Komunis Indonesia</i> (Communist Party of Indonesia)
PNI	<i>Partai Nasional Indonesia</i> (Indonesian National Party)
PPKI	<i>Panitia Persiapan Kemerdekaan Indonesia</i> (Preparatory Committee for Indonesia's Independence)
PPP	<i>Partai Persatuan Pembangunan</i> (United Development Party)
PRC	People's Republic of China
PRRI-PERMESTA	<i>Pemerintahan Revolusioner Republik Indonesia-Perjuangan Semesta</i> (Revolutionary Government of the Republic of Indonesia-Total Struggle)
PSI	<i>Partai Sosial Indonesia</i> (Indonesia Socialist Party)
RAN HAM	<i>Rencana Aksi Nasional Hak Asasi Manusia</i> (National Action Plan on Human Rights)
ROC	Republic of China

RTC	1949 Round Table Conference
RTD	Right to Development
RIS (RUSI)	<i>Republik Indonesia Serikat</i> (Republic of the United States of Indonesia)
RRI	<i>Radio Republik Indonesia</i> (Radio of the Republic of Indonesia)
SBY	<i>Susilo Bambang Yudhoyono</i>
SEAC	South East Asia Command
SEATO	South East Asia Treaty Organisation
<i>Sembako</i>	<i>Sembilan Bahan Pokok</i> (Nine Basic Commodities)
SKB	<i>Surat Keputusan Bersama</i> (Joint/Collective Decision Decree)
SOBSI	Sentral Organisasi Buruh Seluruh Indonesia/ <i>Central All-Indonesia Worker Organizations</i>
TAC	Treaty of Amity and Cooperation
TAP	<i>Ketetapan MPR</i> (MPR Decree)
TAPOL	<i>Tahanan Politik</i> (Political Detainee)
TNI	<i>Tentara Nasional Indonesia</i> (The National Army of Indonesia)
TRC	Truth and Reconciliation Commission
TVRI	<i>Televisi Republik Indonesia</i> (Television of the Republic of Indonesia)
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
UN	United Nations
UNGA	United Nation General Assembly
UPR	Universal Periodic Review
US	United States
USSR	Union of Soviet Socialist Republic
UUD 1945	<i>Undang-Undang Dasar 1945</i> (1945 Constitution)
UUDS 1950	<i>Undang-Undang Dasar Sementara 1950</i> (1950 Temporary Constitution)
UU RIS 1949	<i>Undang-Undang Republik Indonesia Serikat 1949</i> (1949 constitution of the United States of the Republic of Indonesia)
WALHI	<i>Wahana Lingkungan Hidup Indonesia</i> (Indonesian Forum for the Environment)

WTC	World Trade Center
WWII	World War II
YLBHI	<i>Yayasan Lembaga Bantuan Hukum Indonesia</i> (The Institution of Legal Assistance of Indonesia)

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CHAPTER 1

Introduction

1.1 Introduction

Human rights development can appear to be an elusive process in Indonesia. At one stage in its history, Indonesia pioneered and vindicated human rights improvements for former colonies worldwide. Instead of flourishing, however, human rights development was constrained as Indonesia became an authoritarian state. Previously, most analysts specializing in Indonesia have categorized it as authoritarian in nature, particularly during the Sukarno and Suharto periods, since Indonesia seemed to have been continuously violating the civil and political rights of its citizens and denouncing any efforts, domestic and international, to rectify its human rights conditions.¹ Yet, at the present being, Indonesia is recognized as a democracy.² It has also held seats in the UN Human Rights Council (HRC) for three periods and has initiated human rights related innovations within its regions through the Association of South East Asian Nations (ASEAN) and Bali Democracy Forum (BDF).³ The Australian Department of Foreign Affairs and Trade (DFAT) has even stated that Indonesia is now the third largest democracy and “robust media and civil society, combined with direct and fair elections, are at the heart of Indonesia’s political institutions”.⁴

The important questions that need to be asked are: “how and why did Indonesia alter its behaviour from being opposed to democracy and human rights to being in favour of democracy and human rights within a span of less than ten years and after more than 50 years of dictatorship and authoritarian rule?” and “what were the external and internal political contexts that allowed such changes to take place within such a short term?” In this regard,

¹ Adrian Vickers stated that Sukarno had an authoritarian tendency, particularly during the 1957-1965 period in Vickers, 2005, p.148 and Anders Uhlin stated that Suharto’s regime was an authoritarian regime since the ‘third wave’ of democracy came late to Indonesia in Uhlin, 1997, p.2.

² Prof. Takashi Shiraishi stated that democracy is alive and well in Indonesia in Shiraishi, 2005 and Edward Masters, former US ambassador to Indonesia, stated that the current SBY (Susilo Bambang Yudhoyono) government has strengthened democracy to the point where any turning back to old ways of governing now seems unlikely in Masters, 2005.

³ Indonesia had been seated in the UN human rights council three times: in 2006, 2007 and 2011 in “RI selected to join UN human rights council”, May 21, 2011.

⁴ Indonesia Debrief in DFAT, 2014.

this thesis will problematize and question the decision-making process of leaders and the manoeuvres of state in relation to external stimuli and national interests by examining and investigating the determining factors for Indonesia's policy shifts throughout its history as a modern state.

The first section of the introductory chapter of this thesis will outline a background on the issue of Indonesia's human rights policy shift. It will explain the contexts of Indonesia's human rights – the institutional/practical circumstances that may describe the transformation of Indonesia's practice and policy, post-World War II. It will position Indonesia as a country which lies in the South East Asia subregion where the neighbouring environment seems to be condoning anti-human rights behaviour while other external pressures continue to demand otherwise. Indonesia, in this regard, seems to have played on both sides of the argument and thus renders the question of whether Indonesia is a protagonist or antagonist state in terms of its respect for human rights. The second section of this chapter will discuss the existing literature on Indonesia's human rights policy shift. It will show how this thesis relates to previous work in the area. The third and the fourth sections of this introductory chapter present the research question and the objective of the research. The fifth section will discuss the research methodology used in the historical case-study chapters of this research. The sixth section will discuss the research limitations, including a discussion on the limitation of neoclassical realism as a theoretical framework, as well as the limitation of this research itself due to the chosen neoclassical realism model and the method of analysis. Finally, the last section will give an overview of the following chapters of the thesis.

1.2 Overview of Human Rights and South East Asia

In South East Asia, the claim that human rights are universal may still be on contested ground and, yet, the claim that human rights are not universal may also share the same fate. Debates around the universality of human rights have been apparent particularly since the adoption of the Universal Declaration of Human Rights (UDHR) by the United Nations (UN) in 1948.⁵ According to the UN, human rights are considered to be rights that are inherent to

⁵ UN definition of human rights is derived from the United Nation Office of High Commissioner on Human Rights in OHCHR, 2014.

all human beings. Further, states assume obligations and duties under international law to respect protect and fulfil human rights, and it is assumed that democratic forms of governance are needed to realise such obligations and duties.⁶ However, attempts by Western countries to introduce the significance of human rights into non-Western regions such as South East Asia have been challenged on the grounds that such efforts prioritise particular rights over others, such as civil and political rights over economic, social and cultural rights. It has also been argued that such claimed universal rights are not always consistent with local values.⁷ There have also been studies by a number of scholars which indicate the incompatibility between Asian and Western Values. The conclusion is that traditional social values conflict with the democratic values that underpin Western notions of human rights.⁸ If this conflict of values is ignored by Western states, then Fareed Zakaria was not off the mark when he argued that, as their response, Asian countries would be likely to practice an “illiberal” form of democracy. Illiberal democracy refers to a democracy which carries Western symbols, such as election processes, but with an Asian aspect such that the elected governments may instead weaken the rule of law, violate human rights and restrict the freedom of speech of its citizen.⁹ The relativist argument on human rights seems to have found some fertile ground in the South East Asia region and poses challenges to the Western claim of universalism.¹⁰

Inspired by the success of the People’s Republic of China (PRC) in maintaining stability and development, nations such as Malaysia and Singapore have claimed that they may have to sacrifice some political and civil freedoms in order to protect the economic security of their people and the stability of their societies. Mahathir Muhammad from Malaysia and Lee Kuan Yew from Singapore have warned other Asian nations that too much democracy can lead to anarchy and detract from economic progress.¹¹ They also pointed out the moral bankruptcy and the double standardness of the Western powers’

⁶ Ibid.

⁷ Kishore Mahbubani argued that the Western emphasis of democracy and human rights is at the expense of the economic /developmental rights of less developed countries and their pre-existing social-cultural contexts, 1993.

⁸ See Chang and Chu, 2002, pp. 1–32; Park and Shin, 2007, pp. 341–61 and Nathan, 2007.

⁹ See Zakaria, 1997, p.22.

¹⁰ Indonesia’s ideological inheritance of human rights highly depended on Indonesia’s history as it explains Indonesia’s adherence to ‘Asian Values’ as well as Indonesia’s particular cultural relativism in response to its encounter of different forces claiming universalism in Halldorsson, 2003, p. 117.

¹¹ See “Mahathir warns against too much democracy”, July 27, 2000 and conversation with Lee Kuan Yew in Zakaria, 1994.

displays of democracy and human rights.¹² Yet, Amartya Sen, a Nobel Prize recipient whose argument was backed by the annual UN Human Development Report, seems to think otherwise.¹³ He stated that moving toward democracy actually makes for more stable societies as those societies themselves can decide on the trajectory of development and growth, rebutting many South East Asian leaders' arguments that a slower shift to democracy is necessary to maintain order.¹⁴ Similarly, Richard Robison argued that the relativist argument articulated by South East Asian leaders is merely a cloak or a justification for their own preference for authoritarianism.¹⁵

Based on the official position of South East Asian governments over the past 20 years, it would appear that there has been a gradual shift to an official acknowledgment of the importance of human rights.¹⁶ However, many are still reluctant to condone the imposition of universal human rights, especially to their neighbouring countries.¹⁷ The arguments range from referring to Asian countries' colonial experiences, their status as developing states and smaller powers, "Asian Values" or Asian identity, to inter-state relational problems with Western countries. Yet, the United States (US) and most European Union (EU) countries seem determined to influence South East Asian countries' human rights conditions through economic and trade conditionality, such as the ASEAN-European Union Meeting (ASEM) trade clauses which include human rights conditions for trade agreements.

In this context, Indonesia, as one of the large nation-states in South East Asia, has certainly played on both sides of the argument. Indonesia's first President, Sukarno, repeatedly claimed that the Western democracy which embodies the Western version of human rights does not suit the Indonesian personality.¹⁸ In fact, he was among the first to entrench the Indonesian political system with Indonesia's own traditional and collective

¹² Ibid.

¹³ See Sen, 1997.

¹⁴ Ibid.

¹⁵ See Robison, 1996, pp.316-8.

¹⁶ Such shifting governments positions could be traced from the birth of the 'Asian Values' debate during the 1993 World Conference of Human Rights in Vienna, where China, Malaysia, Singapore and Indonesia's governments decided to show a unified defensive stand against Western human rights influence and can be compared with the current position of these governments, particularly during the establishment of the ASEAN human rights mechanism whereby Singapore, Malaysia and Indonesia decided that the ASEAN needed a form of human rights acknowledgement.

¹⁷ This could be clearly seen in ASEAN's soft engagement with Myanmar regarding Myanmar violation of human rights.

¹⁸ Soekarno claimed that the Western style democracy does not resound well within the Indonesian spirit as it was an imported democracy in his "Konsepsi" in Sukarno, 1957.

values such as “*musyawarah dan mufakat*” (consultation and consensus). This can be seen in Indonesia’s first constitution known as *Undang-undang Dasar 1945* (UUD 1945) and Indonesia’s “*Pancasila*” as a national ideology which acts as a foil to the full implementation of the Western version of democracy in Indonesia.¹⁹ Suharto, as Indonesia’s second President, also stated that community rights to stability and development should always prevail over individual rights.²⁰ Yet, in the Post-Suharto era, Indonesia made significant policy shifts in the area of human rights by amending the UUD 1945 with the insertion of Western individual human rights clauses in article 28 of UUD 1945 and the adoption of the 1948 UDHR through law no. 39/1999 as well as the ratification of some of the most important UN Human Rights Conventions. To accompany such domestic changes, Indonesia also launched bold regional initiatives by proposing the setting up of the ASEAN Human Rights mechanism through the ASEAN Charter, ASEAN Intergovernmental Commission on Human Rights (AICHR) and, finally, the ASEAN Declaration on Human Rights.²¹ Given such policy shifts, this research investigates how and why different human rights policies have been pursued by Indonesia over time.

1.3 Existing Explanations and Contribution of the Research

Several prominent Indonesian scholars, such as Todung Mulya Lubis, Bagir Manan, Ismail Suny and Adnan Buyung Nasution have written extensively on the topic of human rights in Indonesia including Indonesia’s human rights policies.²² Most of these works explored the sources of Indonesia’s conception of human rights during the period before independence, as well as the evolution of Indonesia’s human rights policy after Independence. Lubis, Manan and Suny indicated that the concept of human rights has long been acknowledged in Indonesia, even before the adoption of the UDHR in 1948.²³ These scholars highlighted that Indonesia’s indigenous version of human rights is largely sourced from the pact made by Indonesian kingdoms and the influences of Islam, cultural values and

¹⁹ Indonesia’s *Musyawarah* (deliberation) to reach *Mufakat* (consensus) in making a decision could be distinguished from Western democracy’s usage of majority vote and opposition in Thompson, 2004, p. 1085.

²⁰ See Suharto’s speech in Suharto, 1995, p.14.

²¹ Indonesia is one of the key democratic countries in fostering human rights awareness in the region in Sebastian, 2013, p.6.

²² See Lubis, 1993, Manan, 2001, Suny, 2004 and Nasution, 1992 & 2010.

²³ Ibid.

the nationalist movements which incorporated a mixed concept of human rights as part of their struggle.²⁴ Manan, for example, mentioned that earliest forms of human rights that the Indonesian nationalist movements had tried to achieve during the colonial period consisted of the right to freedom of expression and the right to peaceful assembly (by *Boedi Utomo*), the right to self-determination (by *Perhimpunan Indonesia*), the right to equal treatment (by *Indische Partij*), the right to independence (by PNI), the right to a decent living (by *Syarikat Islam*) and socio-economic rights (by PKI).²⁵ In the post-independence period, these scholars also highlighted Indonesia's attempt, after gaining independence, to ameliorate the tension between the 1948 UDHR (external version of human rights) and the indigenous conception of human rights.²⁶ They analysed the development of Indonesia's human rights policy during consecutive changes of regime and leadership, and explored where it was consistent with the human rights conception stipulated in its 1945 Constitution and the 1948 UDHR, and where it deviated.²⁷

However, such works rarely take into account the external environment that is vital in determining policy options and policy outcome. For example, Nasution and Lubis hinted that the derailing of progress in human rights and democracy in Indonesia was mainly due to Sukarno and the military's deliberate "killing off" of Indonesia's 1950s democratic environment. They argue that if Sukarno and the military had not done so, the democratic movement which began in the 1950s would have flourished and Indonesia might now have a stronger democratic environment and better respect for human rights.²⁸ The reasoning, according to Nasution and Lubis, is mostly internal, since Sukarno, who was thought of as an accomplice of the Japanese military regime, preferred an authoritarian style of governing and so was opposed to Western human rights ideas because he associated them with imperialism.²⁹ Although such claims might be true, nevertheless they ignored relevant external factors. One of them was the fact that during this period, the Cold War was at its peak and the battle for influence over Indonesia by the great powers had deeply destabilized the country. This could be seen in local and provincial instances of unrest at the time, as they

²⁴ Here, what is referred to as a mixed concept of human rights is a mixed understanding of Indonesia's indigenous collective notion of rights and the external version of human rights due to Indonesian nationalist's exposure to Western literatures on human rights.

²⁵ See Manan, 2001, op.cit.

²⁶ The tension was greatly elaborated in Nasution, 2010.

²⁷ Ibid.

²⁸ See Nasution, 1992, op.cit., pp.60-1 & 90-103, Nasution, 2010, op.cit., p.6 and Lubis, 1993, op.cit.

²⁹ Ibid.

were greatly supported by power blocs, causing Indonesia's territorial integrity to be at stake.³⁰ So, despite the importance of internal factors, the impact of the external environment also needs to be considered when exploring Indonesia's human rights policy. In this regard, this research aims to supplement the existing literature by providing an emphasis on the analysis of the geopolitical (external) factors which are crucial in determining why the Indonesian state pursued certain human rights policies.

Other scholars have drawn on International Relations (IR) theories to explore the changes in Indonesia's human rights policy. Liberalism postulates that liberal democratic states are inherently peaceful towards one another, as described by Kant in his "Perpetual Peace"³¹ and they tend to act in a cooperative and non-aggressive manner.³² War and conquest, according to liberalism, is the product of non-liberal attitudes in the form of authoritarianism or illegitimate political authorities/unrepresentative elites. Thus, in order to strive for peace, domestically and externally, states will firstly need to satisfy the need for a legitimate domestic political order through the application of liberal values such as democracy, which is comprised of civil liberty, freedom of speech, equality before the law, respect for human rights, and representative government.³³ Once this has been achieved, such democratic values would then be applied to the relations among states, as stated in the "democratic peace" thesis which argued that democratic states rarely fight one another as conflict usually occurs between democratic and undemocratic states.³⁴ Regarding this matter, Francis Fukuyama further stresses that the Western liberal model is the model to be followed to end conflict between states, as Western liberal states were thought to have transcended their violent instincts and to have institutionalized norms that pacify relations among them.³⁵ Such institutionalized norms translate into free trade regimes, human rights regimes, treaties and conventions that allow the possibility of a "complex interdependence" among states

³⁰ Examples of the unrests supported by power blocs are the violent clashes in 1948 led by the Communist Party in Madiun which was supported by the Union of Soviet Socialist Republic (USSR) and the *Pemerintah Revolusioner Republik Indonesia-Perjuangan Semesta* (PRRI/PERMESTA) rebellion as a secession attempt, and also supported by the US and the West.

³¹ See Kant, 1795 and Doyle, 1983, p. 213.

³² Burchill et al., 2009, pp. 57-9.

³³ Ibid.

³⁴ Kant described how states in the form of republics (states with a republican constitution) tended to resort to the avoidance of war, especially among the republics themselves, due to characteristics of republics such as the peoples' votes and domestic constraints. Here 'republic' seems to be equated with democracy in Kant, 1795, op.cit.

³⁵ See Fukuyama, 1992, pp.280-1.

which could potentially reduce wars.³⁶

The early making of Indonesia into a democracy and its interaction with other liberal democratic states as argued in the claims made by the advocates of the “democratic peace” thesis are captured in the works of scholars which have provided liberal explanations of Indonesia’s continuation or shift in its human rights policy. Among the first to do so was Herbert Feith in his “Constitutional Democracy” thesis in which he stated that Indonesia, in the 1950s, had implemented a functioning constitutional democracy in which the civil and political rights of its citizen were granted and leaders and elites respected these rules, indicating that the roots for liberalism and democracy had been planted at the very early stage of Indonesia’s modern history.³⁷ At this stage, Indonesia was also seemingly favourable to liberal and democratic states, particularly the US. However, according to Samuel Huntington’s “Third Wave” thesis, Indonesia, though seemingly democratic at the time, had applied a confused form of democracy which led to the second reverse wave of democratization. In this way, Huntington’s thesis serves as a complementing explanation to the incongruences found in the “democratic peace” thesis if applied to Indonesia’s case.³⁸ According to the “Third Wave” thesis, Indonesia’s confused form of democracy was mainly because democratic supporters at the time could not consolidate power while Sukarno, as the influential leader, concentrated power within the single presidential role, resulting in authoritarianism.³⁹ In line with “democratic peace” logic, Indonesia’s reverse wave of democratisation resulted in Indonesia’s anti-West and anti-human rights behaviour and Indonesia, during the later stage (1956-1965), began to conflict with other liberal democratic states.

From then until the end of Suharto’s New Order regime in 1998, Indonesia implemented policies that were not consistent with international human rights standards and most liberal explanations of Indonesia’s authoritarian rule were toned down. Even so, there were still scholars who analysed Indonesia’s human rights policies during this period in

³⁶ See Keohane and Nye, 2001, pp.20-1.

³⁷ See Feith, 1962.

³⁸ The second reverse wave that hit Indonesia was initiated in 1957 by Sukarno in *The Third Wave: Democratisation in the Late Twentieth Century* in Huntington, 1991, pp.19-20.

³⁹ See Ghoshal, 2004, pp.510-1.

accordance with “modernisation” and “democratisation”.⁴⁰ They argued that, as Suharto’s Indonesia tried to modernise its socio-economic development by economically engaging the external world (particularly liberal countries) while improving the standards of living domestically, the rise in the demand for better respect for the rule of law and human rights coming from Indonesia’s foreign partners and middle class (intellectuals, civil society and non-governmental organisations (NGOs)) became inevitable, and change towards a democratic Indonesia could thus be foreseen.⁴¹

As changes in Indonesia occurred in 1998, liberal explanations for Indonesia’s case gained the spotlight once more as scholars such as Bob S. Hadiwinata and Harold Crouch employed the “democratic consolidation” and “democratic transition” theses in analysing Indonesia.⁴² They argued that changes in Indonesia’s regime must be accompanied by concrete domestic changes which are conducive to a democratic environment, as failure to do so may bring back authoritarianism or militarism, as had already been demonstrated in the 1950s.⁴³ In this regard, the democratic transition and democratic consolidation theses are good explanations for Indonesia’s human rights policy and its adoption of a democratic system of government. Such argument was bolstered by the fact that external supporters of democracy have successfully pushed for domestic democratic actors to consolidate power in Indonesia. Several of the successful feats of such pressure were the amending of the UUD 1945, the ending of Suharto’s three party system and the forcing of governments to sign and ratify international human rights covenants such as the UN International Convention on Civil and Political Rights (ICCPR), the UN International Convention on Economic, Social and Cultural Rights (ICESCR) and the UN Convention Against Torture (CAT).⁴⁴

Other literature that explores Indonesia’s human rights policies adopts a constructivist perspective. Constructivism emerges as a refinement of the positivist-rational schools by accommodating the non-rational and non-material elements of a state’s behaviour and policy.⁴⁵ Constructivist scholars challenged the dominant understanding of the materially-driven international structure in shaping a state’s behaviour and offered the possibility of the

⁴⁰ See Kingsbury, 1998, Aspinall, 2005 and Chalmers, 2006.

⁴¹ Ibid.

⁴² See Hadiwinata and Schuck, 2007 and Crouch, 2010.

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ See Wendt, 1992.

role of shared ideas or beliefs in shaping national interests based on the formation of identity as a result of a social construction process.⁴⁶ In other words, constructivism allows for ideational factors to be significant determinants in international relations as they are viewed as having the potential to shape a state's behaviour. Three propositions that constructivists offer to the study of a state's behaviour are: 1) normative and ideational structures shape individuals' or states' behaviours; 2) social identities that are conditioned by these non-material structures influence the formulation of interests which ultimately result in actions; and 3) agents and structures influence each other.⁴⁷

Since constructivism, as an approach, puts much emphasis on norm formation and identity, it allows for a vigorous discussion of norm contestation between the Western-led human rights norms (with their universal claim) and the local domestic norms which are closely related to states' identities.⁴⁸ As a result, according to most Western scholars usage of "constructivism", the discussion revolves on how to reconcile states' domestic norms with the already-agreed human rights norms or how to make norm-violating states (in this case Indonesia) comply with such international norms.⁴⁹ Constructivist scholars such as Anja Jetschke and Michele Ford, for example, argue that Risse, Ropp and Sikkink's "Spiral Model"⁵⁰ is useful in explaining Indonesia's policy shift. The model combines ideational factors with material factors in explaining the process of persuading norm-violating states to comply with human rights norms.⁵¹ The model also argues for the role that human rights networks play and describes the five stages of the model that a target state may progress through in order to become a human rights norm-abiding state: repression, denial, tactical concessions, prescriptive status and rule consistent behaviour.⁵²

Yet, Amitav Acharya, as a constructivist scholar with an Asian perspective, challenges the usage of such a "Spiral Model" by highlighting the process of "Norm

⁴⁶ Ibid.

⁴⁷ Burchill, 2009, op.cit., pp. 220-2.

⁴⁸ See Acharya, 2004, pp. 3-6, Jetschke, 2011 and Finnemore and Sikkink, 1998.

⁴⁹ Ibid.

⁵⁰ See Jetschke, 2009, p. 140 and Ford, 2011, pp.38-56.

⁵¹ Ideational factors were discussed, such as the process of the 'naming and shaming' of norm-violating states, as well as material factors, namely how to force powerful states to exert material pressures such as embargoes, suspension of foreign aid, etc. on norm-violating states in Risse-Kappen and Sikkink, 1999, pp.21-31.

⁵² Ibid.

Diffusion” within the state. He explained how external norms could be localised into a state’s domestic norm and how a state’s domestic norm can be utilised by leaders and elites, either to resist or be reconciled with the external norms.⁵³ In this regard, the usage of constructivist theory such as the spiral model was criticised for downplaying the role of local domestic actors and institutions in the diffusion process, as the model seems to rely on the pressures of the great powers, combined with human rights networks set up by these powers, to act locally while continuing to treat the local actors and leaders as passive recipients with little or no influence over the content of the norm.

In complementing the constructivism explanation, the English School of International Relations may also be relevant in discerning Indonesia’s continuity or shift in its human rights policy, especially since non-material elements such as identity and ideas are the main emphasis of the English School. Here, the English School seems to be the middle ground between realism and idealism. One of the most prominent English School’s scholars, Hedley Bull, argues that instead of simply accepting an anarchical society which has its roots in human nature as argued by realist as a natural condition, the idea of a society of states or an “international society” is a possibility and that there are common values or interest shared among states.⁵⁴ Bull also argues that, considering states’s identity within a system of states, states at times feel obliged to observe international rules and norms because of their own awareness as a member of “international society” with the obligations to abide by “rules of coexistence”.⁵⁵ An example of such rule is the existence of international law and a shared sense of universal morality as demonstrated in human rights conventions.

The relevance of the English School’s explanation in discerning Indonesia’s human rights policy can thus be seen particularly during the post-Suharto era. Since Indonesia changed its identity from an authoritarian to a democracy, Indonesia felt obliged to observe international human rights standard and acted in accordance with its identity within the limits set by the idea of an “international society”. But even though it is relevant in discerning Indonesia’s human rights policy in the post-Suharto era, the English School’s explanation seems to be insufficient in explaining the motives behind Indonesia’s numerous change of

⁵³ Acharya, 2004, op.cit.

⁵⁴ See Bull, 1977.

⁵⁵ Ibid.

identity throughout its history as well as Indonesia's attempt to exert its influence on the creation of an "international society". The English School also lacks the potential to explain state's policy (inclusive to human rights policy) during the transitional period where in most cases, the change of policy of a state during such period is also affected or mobilised by material forces at play as argued earlier by the proponents of constructivist's "Spiral Model".

Meanwhile, very few scholars have explored Indonesia's changing human rights policy from a realist perspective. The main reason may be due to the fact that, although states are the primary concern for realists, little has been written on third world states as well as intermediate powers because realist's main concerns are usually great powers. The earliest analytical literature regarding Indonesia from the realist perspective includes the writings of Geroge M. Kahin and Jon M. Reinhardt.⁵⁶ Both scholars presented their theses on Indonesia based on its position in the midst of the great powers' sphere of influence and, hence, explained Indonesia's policy choices, including human rights, in accordance with Indonesia's interests and the great powers' agenda.⁵⁷ In other words, they considered the geopolitics of Indonesia and other external factors as an important explanation of Indonesia's policy, particularly during the period of the 1940s and 1950s. During the Suharto period, if seen from a realist perspective, Indonesia (as an object of analysis) is merely a product of the Cold War and a key ally to the West and, hence, a realist analysis of Indonesia's human rights policy at this stage indicates that Indonesia's human rights violations were tolerated by the Western powers due to greater interests in the region.⁵⁸

After Suharto stepped down as the regime's leader, Indonesia entered a new period and its shifts in human rights policies became an interesting object of analysis for realists. Hikmahanto Juwana, as one notable example, can be said to have indirectly analysed classical realism elements, such as leaders' interests and perceptions of power in Indonesia's domestic power structure, in his exploration of Indonesia's shift in human rights policy.⁵⁹ In his view, this shift is not purely due to international pressure, but rather due to the interests of individual leaders at the time in safeguarding their positions by siding with the democratic

⁵⁶ See Kahin, 1952 and Reinhardt, 1971.

⁵⁷ Ibid.

⁵⁸ Chomsky argued that Indonesia's military 'New Order' regime is supported by the US since the other option is a possible "communist Indonesia" and hence Indonesia's human rights infringement is tolerated by Washington, 1998, p. 3.

⁵⁹ See Juwana, 2003.

defenders (both in the domestic and international spheres, including powerful Western states).⁶⁰ He also argued that, although some liberals and constructivists have claimed that NGOs have been key players in pushing for a shift in terms of human rights policies, the government managed to utilise the creation of its own NGOs to deny a human rights agenda while other NGOs blatantly carried external interests which may have deviated from those human rights interests.⁶¹

After discussing the possible explanations in discerning Indonesia's policy shift, it is also important to know each theory's limitations. The limits of liberalism to explain changes to Indonesia's human rights policies include that the applicability of liberal values to non-Western countries are still subject to debate, especially with the existence of other competing values, both traditional and religious, which had mostly existed prior to the spread of liberal values.⁶² Thus, for liberal values to take root, Michael Ignatieff argues that there would be a long process of diffusion.⁶³ In addition, the usage of liberalism as an IR approach in analysing Indonesia's case seems to be limited to only a certain period of time. For example, while liberal theories could provide an extensive explanation during Indonesia's globalisation and *reformasi* era (1980s-1990s), liberalism has little potential to explain why Indonesia's closeness to other liberal countries such as the US, the United Kingdom (UK) and Australia in the 1960s-1980s did not greatly improve Indonesia's human rights policies. Liberalism also offers a limited explanation as to why Indonesia's relations with other well-known democratic countries, namely Australia and the US, was strained during its democratic period, even though it never led to an open war, particularly when compared with the period of close relations during Suharto's authoritarian regime.⁶⁴ This is especially pertinent in relation to the liberal "democratic peace" theory.⁶⁵

⁶⁰ Ibid.

⁶¹ Juwana argued that some NGOs were financed by a number of government figures and their existence diminished as the figures retired from office, while other NGOs were financed by external actors which may have had interests other than promoting human rights in Juwana, 2003, op.cit., pp.661-6.

⁶² The spread of liberal values here refers to the Washington consensus on the free market and Clinton's Democratic Expansion Doctrine in the 1990s which had intensified the spread of human rights norms.

⁶³ "Liberal values diffusion, particularly human rights instrument diffusion is a long and an enduring process, especially as there remains an unconscionable gap between the instruments and the actual practices of states charged to comply with them" in Ignatieff, 2000.

⁶⁴ See Novotny, 2004.

⁶⁵ Ibid. According to Novotny, the 'democratic peace' thesis suggests that democratic states do not fight wars and maintain amiable and cordial relations with each other.

Meanwhile, constructivism's privileging of inter-subjective ideas and identity in its explanations of state behaviour leads the approach to over-emphasize the causal relationship between non-material factors and state behaviour. Further, due to their largely abstract nature, it is argued that, if constructivism's privileging of inter-subjective ideas is not placed within a broader framework of other IR paradigms, it may present an incoherent and confusing account of a state's behaviour, particularly in Indonesia's case.⁶⁶ Mainly, this is because constructivism alone cannot be applied independently as a self-contained approach, but always as a foil to positivism. If ideational factors and identity matter so much in constructivism, then why did a post-colonial country like Indonesia, with human rights norms already enshrined in its 1945 constitution,⁶⁷ not incorporate such pro-human rights identity into the the global identity of human rights advocate much earlier? Why did it choose to promote at some stages and yet, at other times, negate the importance of human rights? Indeed a constructivist explanation might point out the swift change of state identity (from authoritarian to a democratic state) as a possible reasoning for Indonesia's case, but constructivist explanations may downplay the importance of the role fulfilled by material factors in explaining Indonesia's human rights policies over time.

Another constructivism limitation is that Western scholars' usage of constructivism also suffers from a "moral proselytism" in which the approach concentrates more on conversion or the teaching of external norms than on the actual process of norm contestation at, and adaptation to, the local level. Thus it can be considered to privilege a biased form of morality or values which encourages the notion of "good" systemic norms and "bad" domestic norms. In this sense, Western countries and NGOs have the tendency to convert the targeted state or norm-violating states (which are mostly Asian and African developing states) while less conversion can be done to the former by the latter as they are not at the same level of playing field.⁶⁸ Meanwhile, the usage of constructivism by scholars, regardless of whether they are Western or Asian, to understand the process of norm diffusion in weaker states also suffers the general weakness of constructivism. One example is that, even though norm diffusion theory is more elaborative in understanding norm contestation or adaptation,

⁶⁶ Ibid, Novotny specifically discussed why constructivism alone may be confusing to discern Indonesia's foreign policy.

⁶⁷ Suny claims that respect for human rights, particularly for Indonesia's citizens, has been acknowledged in the articles 27-34 of Indonesia's 1945 Constitution in Suny, op.cit., 2004.

⁶⁸ Acharya, 2004, op.cit.

particularly in the third world, the link between external pressure and the decision-making process, whether leaders choose norm contestation or adaptation, is either non-existent or it is blurry.⁶⁹

Based on the limitations of the existing literature as outlined above, an exploration of Indonesia's human rights policies needs to consider external and internal factors and both material and idealist elements. In addition, the main concern for the existing IR analysis of Indonesia's policy shift or continuity, as applied by a number of scholars coming from realist, liberalist and constructivist traditions, is time limitation. Scholars coming from a variety of theories and perspectives seem to fixate only on a very limited time period when conducting their observations to prove the validity of their approaches.⁷⁰ They tend to overlook that the approaches adopted may no longer be relevant over a different period of time which can suggest that they were selective in choosing the appropriate time period to match their desired approach. In this respect, the researcher is of the view that Indonesia's human rights policy should be explored through all the stages of Indonesia's history, and not just selected periods, in order to show the development of Indonesia's human rights policy from its birth as a nation state until the present. Also, the researcher believes that constructivist and liberalist tendencies in privileging external values over domestic values is a distortion of the analysis, as the two must be considered of equal importance in order to capture the full spectrum of Indonesia's human rights policy and the reason for its continuation or shifts.

The continuation, or shifts, of Indonesia's human rights policy are indicative of the linkage between Indonesia's human rights policy and the given opportunities and threats provided by the international system's structure, the changes within Indonesia's state

⁶⁹ Acharya seemed to have taken into account the realist arguments (neorealism) and argued against the possible link between external and internal dimensions in 'norm diffusion', but he did not touch on realism's modification potential, such as neoclassical realism's ability to open the 'black box' to explain norm selection. Ibid, pp. 267-8.

⁷⁰ An example of this is the extensive research by Glasius, 1999, namely "Foreign Policy on Human Rights: Its Influence on Indonesia Under Suharto" indicated that the specific timing chosen was from 1970 to 1994 since the purpose of his study was to determine the effect or extent of the influence of Western states' foreign human rights policies on Indonesia's Suharto. Though the given reason was valid because the analyst thought that there were indications that the West had supported Suharto's actions and, hence, it was not relevant for the study as it was not considered to be a human rights policy of Western states. It is important to note here, however, that Suharto was heavily involved in the 1965 massacres leading to 500,000-800,000 deaths and the West's direct involvement should have been a pertinent part of the research as the Western change of stance from supporting mass killing of communist partisans to suddenly supporting human rights protection for former communists (within a timespan of five years) should have raised a big question as to their motives.

structure and the perspectives held by leaders. In this respect, the realist perspective is relevant due to fact that realism provides a robust theoretical justification for the hard-fought independence and territorial integrity considered to be important components of Indonesian foreign policy; and IR as a discipline was brought to Indonesia in the 1950s by a group of American scholars from the John Hopkins University which basically disseminating realism as by product of American IR scholarship. Realism assumes that interests in terms of power have always been the main motivator of a state's behaviour, whether it is a superpower or a lesser power. It is for the purpose of the attainment of power that states devise strategies and policies, which could potentially explain the motives behind the interplay between external and internal factors. However, realism as a theory is also faced with limitations. Classical realism's heavy emphasis on the state-society relationship and the role or perspective of individual statesmen, for example, has overlooked systemic opportunities and threats which were crucial for Indonesia's survival as a third world state. Meanwhile, neorealism's over-reliance on a systemic level of analysis also could not comprehensively discern Indonesia's defiant behaviour toward systemic constraints, despite its "shape and shove" explanation.

The more recent modification of realism, neoclassical realism, combines classical realism and neorealism levels of analysis and may be useful in explaining the paradoxes and inconsistencies in Indonesia's behaviour in relation to human rights. One of the most interesting analyses on Indonesia's policy shift was made by Kai He.⁷¹ He applied a neoclassical realism analysis on Indonesia's foreign policy shift and not its human rights policy in particular.⁷² He did, however, enter the human rights topic when he touched on Indonesia's foreign policy shift in respect to East Timor and he described the change of Indonesia's foreign attitude regarding East Timor. The shift of policies on East Timor, according to him, was not because Indonesia was changing its identity from a norm-violating state to a norm-abiding state, as would be argued from a constructivism perspective. Instead, it was mostly because of Indonesia's relative power distribution in the international system at the time and its leader's legitimacy as argued by neoclassical realism.⁷³

To accommodate the theoretical complexity faced, in this study neoclassical realism's

⁷¹See He, 2008.

⁷²Ibid.

⁷³Ibid.

“domestic power structure-leader’s perception” model will be applied to analyse Indonesia’s case. This is mainly due to the nature of neoclassical realism work, which is to study and understand foreign policy of particular states instead of attempting to create a grand theory of international politics, as in the case of neorealism. Consequently, neoclassical realism analysis has the potential to move away from theoretical conflicts or barriers of existing research traditions by incorporating limited ideational factors, such as perception and threats, with material factors such as economic sanctions and military embargoes, on a particular and specific case.

1.4 The Research Question

The research question for this study is:

“What are the main causes of the shift or continuation in Indonesia’s human rights policy?”

If approached via the neoclassical realism “domestic power structure” and “leader’s perception” model, answering this question can be pursued through an analysis of variables as follows:

- a. The independent variables: the external environment of the decision-making process and relative power distribution.
- b. The intervening variables: the decision-making domestic environment (domestic power structure and processes) and the decision-makers’ behavioural and cognitive factors (leader’s perception) of Indonesia’s external environment and public human rights policy and practices.
- c. The dependent variables: changes in Indonesia’s overall human rights policy.

Here, Indonesia’s human rights policy is considered to include both foreign and domestic human rights policies.⁷⁴ It is understood as the application of human rights in (1) Indonesia’s foreign policy and diplomacy; and (2) domestic legislation, policy-making and implementation.

⁷⁴ Glasius, 1999, op.cit., p. 3.

1.5 The Objective of the Research

Given the research question of “what causes Indonesia’s policy continuation or shift?” the main objective of the research is to determine the reasonings behind Indonesia’s continuation or shift in terms of human rights policy, through the neoclassical realism framework. In answering the question, the link between external drives and domestic decision-making processes will be problematised. Consistent with neoclassical realism analysis, the starting point of this research would be an analysis of the extent to which external influences condition Indonesia’s human rights policy.⁷⁵ Here, the analysis will begin with the chosen independent variable of the external environment of the decision-making process of Indonesia’s foreign policy and practices. It will assess the external environment within each period of the decision-making process and will identify the constraints and opportunities that were faced in terms of policy options to be exercised by Indonesia’s decision-makers. It will identify a causal relationship of the three groups of variables. The findings will test the validity of neoclassical realism.

With regards to the intervening variables, the roles of leaders and senior state officials in the policy-making process will be important to investigate, similar to the assumptions of the “great man” or “charismatic leader” theory.⁷⁶ In this sense, ideas and perceptions of leaders at the individual level are significant in the neoclassical realism approach, consistent with Hans J. Morgenthau’s view that “when people see things in a new light, they may act in a new way.”⁷⁷ In addition, Mead notes:

It matters who the President is. If Theodore Roosevelt and not Woodrow Wilson had been President when World War I broke out, American and world history might have taken a very different turn.⁷⁸

⁷⁵ Most realist analyses, particularly neorealism and neoclassical realism, begin with systemic analysis.

⁷⁶ Most third world and undemocratic governments relies on the charismatic and great figures of individuals in Korany, 1984, p.41.

⁷⁷ See Morgenthau, 1972, p. 11.

⁷⁸ See Mead, 2004, pp. 18–9.

Thus, the perceptions of leaders on issues of human rights and international relations are considered key to understanding their decisions, both on internal and international fronts, despite the existence of international constraints or domestic structure, particularly for new democracies or the third world. Here, Steven R. David argues in his “omnibalancing” thesis that:

...realism must be broadened to examine internal threats in addition to focusing on external threats and capabilities [that is, structural arguments], and that the leader of the state rather than the state itself should be used as the level of analysis.⁷⁹

Such a claim is quite valid in analysing a developing country like Indonesia because policy decisions have often been made by a single individual or, at most, by a small elite.⁸⁰ As a result, this individual leader may not necessarily be as responsive to domestic civil society as the leader of a developed democracy in which public opinion also has a minimum say in decision-making.⁸¹ Such third world phenomena will be explored in this research, in accordance with the neoclassical realism school.

In addition, neoclassical realism considers the domestic power structure as a potential intervening variable that can interpret the external constraints. In this regard, the domestic power structure serves as an important factor in relation to policy-making. Here domestic power structure refers to the power sharing mechanism or structure among the executive, legislators, the judiciary, and state apparatuses such as the military and human rights commissions, as well as NGOs and other civil society groups. As a result, an analysis of the domestic power structure will potentially revolve around two major questions.⁸² The first would be, “which institution tends to dominate or have more power to influence in terms of policy-making?” The second would be “which actors are involved in the process?”⁸³ All of these considerations will be investigated in this research.

⁷⁹ See David, 1991, p.237.

⁸⁰ Ibid.

⁸¹ Ibid.

⁸² See Dosch, 2006.

⁸³ Ibid.

Another research objective is to indicate the role that a small-to-middle power like Indonesia can play in its relationships with great powers as demonstrated by Indonesia's human rights policy responses. An additional variable in neoclassical realism includes the importance of a leader's perceptions of the state's relative power distribution which can prevent a small-to-middle power from being overshadowed by neorealism's "great power" emphasis. Such logic allows the possibility of explaining how Indonesia, as an intermediate power, managed to defy greater power pressures because of its leader's perception of Indonesia's relative power. This also shows the significance of neoclassical realism considerations regarding an individual leader's perceptions of the developing world, as individual leaders have been prominent in forging foreign policies in the developing world. Yet, the neoclassical realist approach does not fall prey to the "charismatic leader" approach to foreign policy-making in developing countries, criticised by third world scholars for psychological reductionism.

1.6 Research Methodology

This dissertation can be categorised as qualitative research. John Creswell defines qualitative research as that which starts with the use of theoretical lens to study social or human problems.⁸⁴ In this regard, qualitative research intends to explain the mechanisms within or linkages between causal theories or models, since these theories generally do not tell us about why people responded as they did, the context in which they responded, or their deeper thoughts and behaviours that governed their responses.⁸⁵ Thus, the advantages of a qualitative approach for this research are its ability to analyse social phenomena within its own natural setting⁸⁶ and its suitability for the study or exploration of a research problem where a complex, detailed understanding is needed.⁸⁷ This dissertation, for example, begins with realism as a general theoretical lens in trying to understand Indonesia's human rights policy shift or continuity as the chosen problem for investigation. It then uses qualitative research methodologies to explore and investigate the problem within a very specific context where an extensive and detailed analysis is needed to discern the complex reasonings behind

⁸⁴ See Creswell, 2007, p. 37.

⁸⁵ Ibid, p.40.

⁸⁶ Ibid, p.51.

⁸⁷ Ibid.

such shifts or continuity.

The first method that this qualitative research uses is comparative historical analysis. Mahoney and Ruschemeyer define comparative historical analysis as a method with “a concern on causal analysis, an emphasis on processes over time, and the use of systematic and contextualised comparison”.⁸⁸ Such method is crucial because this dissertation is designed to rely on a historically grounded approach in analysing the topic; namely, Indonesia’s human rights policy. It analyses Indonesia’s human rights policies throughout its history with the aim of showing the link between internal and external factors and how they interact in determining policy outcomes. Comparative study of Indonesia’s human rights policy between selected periods of Indonesia’s leadership also is used to show the evolution of Indonesia’s human rights policy, whether it has progressed or regressed and whether there is continuity or discontinuity of policy. Through an investigation of historical changes in Indonesia’s regimes, external environments and domestic structure, as well as a comparative analysis among the periods of Indonesian history, the researcher aims to discover how each of these factors interact and under what circumstances each of the variables can prevail over others.

This research also uses theory-guided tracing. George and McKeown define theory-guided tracing as a method which places emphasis on the investigation into the decision-making process whereby various initial conditions are translated into outcomes.⁸⁹ It is a method for within-case analysis which aims to identify the steps in a causal process leading to an outcome.⁹⁰ The theory of neoclassical realism identifies a causal relationship among three groups of variables that should be apparent if the theory is to hold true in the case of the Indonesian historical experience under examination: the dependent variable – Indonesia’s human rights policy; the intervening variables – “leader’s perception-domestic structure”; and the independent variables – external pressures and incentives. It analyses the independent, dependent and intervening variables to explain Indonesia’s human rights policies throughout Indonesia’s history with the aim of showing the link between internal and external factors and

⁸⁸ See Mahoney and Rueschemeyer, 2003, p.6.

⁸⁹ See George and McKeown, 1985, p.35.

⁹⁰ See George and Bennet, 2005, pp. 176, 206.

how they interact in determining policy output. The causal assumption is that the intervening variables will interpret the independent variables, which results in policy output - the dependent variable.

The third method used in this research is qualitative case studies. A case study approach in qualitative research is design to answer the question of “how” and “why” certain events occurred.⁹¹ Yin defines case study as an “empirical inquiry that investigates a contemporary phenomenon within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident”.⁹² In this regard, the main purpose of the usage of case study method in this research is to analyse the real-life context in which certain decisions are made, particularly decisions concerning Indonesia’s human rights policy. The secondary purpose of the usage of such a method is to elucidate the historical process whereby the relevant variables has effect and thus test the consistency or inconsistency of a chosen theory, which represents a causal mechanism among a set of specific variables.

(1) Data Collection

In order to explore the neoclassical realism variables mentioned above, the data and materials on Indonesia’s external environment and domestic power structure were collected through secondary sources, namely books and journal articles accessed via library research. In regard to leaders’ perceptions (intervening variable) and Indonesia’s foreign and human rights policies (dependant variable), the data and materials were collected from formal documentations such as professional reports and policy archives in the field of the policy issue. These materials were accessed from collections of leaders’ and Presidential speeches, and the Government of Indonesia (GoI) White Paper formal documents archives, some of which were accessed directly from Indonesian ministries in hard copy form, while others were accessed via Indonesian government institution websites (as soft copies) since most archives are now online. From such materials, the phenomena at each step are carefully observed. The descriptive part of process-tracing is not about observing policy change or policy sequence, but rather focussing on taking good snapshots at a series of specific

⁹¹ See Yin, 1994, p.9.

⁹² Ibid, p.13.

historical moments.

(2) Data Analysis

Causal process observation or causal inference was the next research procedure. Process-tracing paid close attention to the sequences of independent, dependent and intervening variables. The author then explored the Indonesian historical experience while looking for congruence or incongruence between the neoclassical realism expectation and the process observation. Such an approach was used to highlight the anomalies of policy response in Indonesia's case. Neoclassical intervening variables, such as a leader's perception and domestic structure, are assumed to have the potential to initiate abrupt shifts in several of Indonesia's long-held human rights positions as well as its foreign policy characteristics. Thus the research aims to show not only the correlation, but also the causal relationship between the variables and to determine which intervening variable could potentially be affecting policy outcomes. In this sense, neoclassical realism also has the potential to explain the process of the emergence of what sometimes seem to be "irrational" policy choices and outcomes, by analyzing all possible variables in the actual practice of policy-making.

Overall, this research aims to understand the external and internal factors which influence the topic, as conventional approaches based on rigid stages in the policy process (that is, agenda setting, decision-making and implementation) are unlikely to be suitable for examining the transformation of Indonesia's human rights policy. This research seeks a multilayer-staged transformation that reflects practice and actual policy evolution involving multiple interacting cycles rather than a single policy cycle. This framework looks at policy evolution across the recent history of Indonesia (especially since the 1945 enactment of the Indonesian constitution as a national aspiration of decolonization), where one or more political coalitions have altered their core beliefs. The proposed research will thus examine a multiple set of potential sources of influence for the policy shift by taking a level-of-analysis approach (that is, the state system, the nation-state, decision-making). Conventional approaches to an explanation of this type of policy evolution simply highlight the mutual interplay between separated levels of politics. In contrast, this study will identify the determinants of the policy shift by taking an interactive levels approach while viewing the

policy shift as influenced simultaneously by both domestic and international constraints and opportunities.

1.7 Research Limitations

The writer is fully aware that IR theories that emanate from third world scholars are yet to be fully developed, and specific IR theories that largely match the third world experiences are relatively rare. Such a disadvantaged position is highlighted by the fact that a number of scholars have tried to introduce third world theories of IR.⁹³ Subaltern realism, for example, tried to pinpoint the flaw in most IR theories by stating that the mainstream IR theories have claimed to “transcend time and space” or “hold universal value” despite the fact that such claims do not correspond to the logic of social science since most are strictly and inescapably bounded by time and space.⁹⁴ Such critiques have vindicated the opinion that most IR theories best suit Western countries, due to the existence of ethnocentrism in the theory building process and to an overlapping advantage, since the current third world is almost similar to the experience of states during the middle ages of Europe but with Human Rights Watch and Amnesty International being vigilant on their actions.⁹⁵ In other words, most existing IR theories are still grappling with the realities faced by third world states, like Indonesia, which are often characterized by a post-colonial aftermath comprising of a weak, yet dominant, military regime, underdevelopment, intra- and interstate conflicts, and legitimacy problems which may not be explicable by the current IR theories. Hence, as Ayoob suggested, one way of averting such “timelessness” and “spacelessness” is to look at the application of IR theories through a historically grounded approach, in order to accommodate the changes, the transformations and the actual contexts of reality when these IR theories are formed.⁹⁶

In overcoming such conditions, this research will thus maintain the application of mainstream IR theory, namely realism, but it will move from the conventional application of realism to an enriched or modified version of realism. As already argued above, the two

⁹³ See Ayoob, 2002 and Aswini, 2004.

⁹⁴ Ibid. Ayoob, p. 30.

⁹⁵ Ibid, pp. 37-40.

⁹⁶ Ibid.

important modifications that will accompany IR theories used in this research comprise of 1) a historically grounded approach, and 2) the usage of a theory-guided process. A historically grounded and theory-guided approach is viewed as necessary because this research explores Indonesia's human rights policy from the time of its inception as an independent state until the present day, while maintaining the theoretical stand from within the field of IR.⁹⁷

However, in doing so, the research would therefore be exposed to reductionism because not all crucial factors can be taken into account as potential variables in answering the research question. For example, other potential intervening variables such as legitimacy or identity could potentially be of equal importance in becoming the main reason for the shift in Indonesia's human rights policy, but this research will not consider them as pertinent. The reason is because the researcher believes that, although legitimacy is quite a significant factor, it is less valid than the already chosen variables since an authoritarian regime, despite its weak legitimacy, may have an assertive policy due to its effective government control or partial immunity from domestic or external interferences when deciding policy choices.⁹⁸ Whereas, regarding identity, even though it is significant, the formation of identity and ideology will be positioned in the context of neoclassical realism emphasis on the relative weights of external-material versus domestic-ideational factors in affecting Indonesia's human rights policy. In its usage of neoclassical realism, the research also will use neoclassical realism's emphasis on particularism as a theory of foreign policy rather than a political theory. As a result, this research may only be able to provide a theoretical framework for research which is applicable to Indonesia and which might not be applicable to all states or other third world states.

1.8 Overview of the Thesis

In Chapter Two, an overall discussion of neoclassical realism takes place starting with a brief analysis of realism as an IR theory and leading to its development in the forms of neorealism and neoclassical realism. Realism's strengths and weaknesses as a tool of analysis are highlighted in this section, as well as the differences and areas of convergence with other IR approaches. Also in this chapter, realism's positioning of the issue of human rights is

⁹⁷ Ibid.

⁹⁸ Dosch, 2006, op.cit., p.46

briefly discussed. The last part of Chapter Two explores the applicability of neoclassical realism's "domestic power structure-leader's perception" model and its potential in analysing the transformation of Indonesia's human rights policy throughout history.

Chapter Three is the first case study in the application of the neoclassical realism "domestic power structure-leader's perception" model and it explores the Sukarno era from 1945 to 1966. This chapter examines Indonesia's struggle against colonialism and Indonesia's early practice of democracy during 1945-1950. It analyses Indonesia's usage of democracy and human rights discourses in its attempts to win its independence. It also investigates Indonesia's practice of democracy during 'parliamentary democracy' and Indonesia's display of its state rights externally through the Asian African Conference in 1955, held in Bandung. Then it elaborates further on Indonesia's decision to abandon discourses of democracy and human rights just as it began to develop its very own "Guided Democracy".

Chapter Four is the second case study, which analyses Indonesia's pro- and anti-human rights policies during the Suharto period from 1966 to 1998. Here, a neoclassical realism approach is used to explore Suharto's application of both pro- and anti-human rights policies during his early rule from the late 1960s to the middle 1970s. It highlights the progress of human rights as Suharto was detaching himself from Sukarno's "Old Order" and the human rights tragedies that followed. Following this, Suharto's anti-human rights policies, as captured in his "Pancasila Democracy" involving Right to Development (RTD) and government-sponsored violations of Indonesia's civil and political rights, are also analysed, up to and including his downfall in 1998.

The important shift in Indonesia's history from an authoritarian state to a democratic one is addressed in Chapter Five. This chapter analyses Indonesia's human rights policy shift during the reformasi period (1998-2004). Neoclassical realism analysis, here, is used to investigate Indonesia's pro- and anti-human rights policy under three different Presidents, namely Bacharuddin Jusuf Habibie (1998-1999), Abdurrahman Wahid (1999-2001) and Megawati Sukarnoputri (2001-2004). This chapter investigates the policies and incidents which were pivotal in influencing Indonesia's human rights policy during reformasi, such as East Timor's independence from Indonesia, the amendments made to Indonesia's UUD 1945 constitution, the *Gerakan Aceh Merdeka* (GAM) and *Organisasi Papua Merdeka* (OPM)

separatist movements, as well as other regional unrests which had been critically observed by external powers. The pressures exerted by external powers on Indonesia also are discussed with respect to the International Monetary Fund (IMF) and World Banks loans to Indonesia, the rise of the transnational advocacy network and the “War on Terror” campaign.

Chapter Six is the last case study presented in this thesis and it explores the human rights policies of Susilo Bambang Yudhono (SBY) during his ten year rule from 2004 to 2014. Indonesia during this period was already considered as a functioning democracy in which SBY himself had been elected democratically through a direct presidential election, yet there were still signs that Indonesia had not completely adhered to democracy and human rights concepts as understood in the West. SBY’s elusive human rights policies are explained through neoclassical realism’s “domestic power structure-leader’s perception” model. A number of human rights issues during SBY’s rule are presented with a focus on ASEAN and BDF, the West Papua case and the Ahmadiyah case, and they are analysed via a neoclassical realism approach.

The overall conclusions of this research are discussed in Chapter Seven. The findings of the research from each period of Indonesia’s history (1945-2014), as discussed in great detail in each chapter, are summed up and compared to detect the actual policy shift or continuation from time to time. Conclusions as to the usefulness of neoclassical realism in explaining Indonesia’s human rights policy shifts and continuation are also highlighted. The contribution of this research to the IR literature and the way forward in analysing third world countries’ human rights policies also are presented in the last part of the concluding chapter.

CHAPTER 2

Neoclassical Realism “Domestic Power Structure-Leader’s Perception” Model

2.1 Introduction

This chapter will introduce neoclassical realism as a sub-school of realism to explain the shift or continuation in Indonesia’s human rights policy. In this regard, neoclassical realism seems to be aptly suited to analysing the behaviour of a third world state like Indonesia, since neoclassical realism has been identified as a framework of research which focuses less on becoming a grand theory (as in the case of neorealism) but rather appears to be adjustable to the country-specific conditions of the object of the research.¹ In particular, neoclassical realism has the potential to deal with the relative weights of external-material versus domestic-ideational factors affecting Indonesia’s human rights policy.

The first part of this chapter will give a brief introduction to realism as an IR theory. Then it will elaborate on the modification of realism from its origins in classical realism, to neorealism and to the recent development of neoclassical realism. This will include a critique of neoclassical realism. The second part of the chapter will present how the issue of human rights is perceived within the realism paradigm. The discussion will involve how human rights are defined as value claims, a political tool or a manifestation of the state’s policy and the conflict between state rights and human rights. The last part of the chapter will introduce the “domestic power structure-leader’s perception” neoclassical realism model which is used to analyse the transformation of Indonesia’s human rights policy.

2.2 Realism as an International Relations Theory

The diverse intellectual development of realism derives from its basic assumptions.

¹ Gideon Rose argues that neorealism is a theory of international politics, while neoclassical realism is a theory of foreign policy in Rose, 1998, pp.144-6.

The state is the most important actor or formal grouping in international relations.² States are considered to be sovereign entities that make up the international system. Through its privileging of states as actors, realism can be differentiated from the liberal approach, which takes into account the significance of other actors in international relations, such as International Non-governmental Organisations (INGOs), NGOs and multinational companies.³ The state is also assumed to be rational in its behaviour and, hence, the premise that the state could behave in an irrational manner is considered as an anomaly in realism.⁴ For realists, irrationality, anomaly, misperception and deviation from the logical/rational pattern of behaviour suggest an inaccurate perception or an imperfect “transmission belt” on the part of decision-makers.⁵ The state is also considered to be a unitary entity because realism assumes that the fragmented divisions of society and their differing opinions on policies would eventually be unified and represented by the state’s policies or positions.⁶

Realists consider that the world is anarchic due to the absence of a single authoritative entity that could subjugate all states under its control.⁷ This is exemplified by states’ perpetual conflicts of interests which are likened to billiard balls colliding with one another. Such realist ideas, for example, are exemplified in the idea of mutual self-destruction as a reason for peace⁸ in contrast with the liberal conception of collective security deliberation to achieve peace.⁹ Therefore, states have pessimistic, suspicious or distrustful views of others’ intentions and are normally in a state of conflict, particularly regarding the pursuance of national self-interests.¹⁰ Hence, the basic premise of realism is that “the strong do what they have power to do and the weak accept what they have to accept”.¹¹

² See Wohlforth, 2008, p. 32

³ See Viotii and Kauppi, 1993, p. 6.

⁴ Accordingly, irregular states’ behaviour is a behaviour that defies structural constraints as put forward by neorealism. In this regard, mistaken or wrong policy options are possible but the state which commits such mistakes is subject to punishment by the system in Waltz, 2010, p.92.

⁵ “Imperfect transmission belt” is referring to incomplete information. Meanwhile, other states may view the action of a state to be irrational, despite the fact that the acting state perceives its own action as rational in “Hypotheses on Misperception” in Jervis, 1968.

⁶ Viotti and Kauppi, op.cit., 1993.

⁷ Ibid.

⁸ Mutual self-destruction refers to the nuclear weapon threats where each state has a common interest of avoiding nuclear warfare in order to ensure their own survival.

⁹ Collective security refers to a deliberation or aspiration on the part of states, based on the idealist concept of harmony of interests, where each state attempts to guarantee each other’s security through the usage of institutions and, hence, war can be avoided.

¹⁰ Viotti and Kauppi, 1993, op.cit., p. 48.

¹¹ “The Melian Dialogue” in Warner, 1982, p. 402.

Most realists tend to see relations among states based on the idea of a “balance of power” scenario due to the anarchic condition of the system and the positioning of the states based on the distribution of power within the system.¹² This means, in a system of anarchy, states will be divided into strong and weak categories based on their power distribution, and states will normally attempt to balance out the superiority of other states in order to seek power or to maintain their survival.¹³ Many realists think that, in an anarchic condition, states tend to have a pessimistic view of other states’ intentions and if they do not balance the power among competing states then their survival will be at stake.¹⁴ According to the realist’s point of view, the “balance of power” mechanism will continue to be the main ingredient in state relations with one another until it reaches some sort of “equilibrium” or a situation of being temporarily balanced.¹⁵ Such stability, however, will soon be upset again and the whole “balance of power” process will repeat itself.

Although the insertion of morality in the field of politics, such as through the issue of human rights, is acknowledged by realism, particularly classical realism, it is not the main concern in states’ relations since power and survival, as captured in the realist’s conception of national interests, predominate over moral politics.¹⁶ Thus, realism assumes that morality and universalism are used by states to attain influence or power over other states and hence they are merely the means to an end.¹⁷ Morgenthau and Carr argue that the claim made by states to obey universal moral law is a way to hide the pursuit of self-interests and that all great powers in history have articulated universal moral claims which benefitted them.¹⁸ This can be seen in the moral justifications made for colonialism by European imperial powers in the 19th century and the moral justification for democracy and human rights promotion to strengthen US hegemony in the modern era.¹⁹

¹² Viotti and Kauppi, 1993, op.cit., p. 50.

¹³ Classical realists, such as Morgenthau, and neorealists, such as Kenneth Waltz, agree on the need for states to pursue power and hence the importance of balance of power as the mechanism for state relations. They differ, however, in perceiving power, since Morgenthau sees power as an end in itself while Waltz suggests that power is a means to an end, and the end is the state’s survival (Morgenthau, 1948 and Waltz, 2008).

¹⁴ Viotti and Kauppi, 1993, op.cit., p. 50.

¹⁵ Ibid, pp. 51-2.

¹⁶ Ibid, p.6.

¹⁷ See Carr, 1939, pp. 166-9.

¹⁸ See Goodheart, 2009, p. 63.

¹⁹ Ibid.

2.3 Classical Realism and Neorealism

Realist assumptions are based on classical realism and the work of independent realist thinkers, starting from Thucydides to the middle years of the Cold War.²⁰ This also includes Thomas Hobbes, Niccollo Machiavelli, E.H. Carr and Hans J. Morgenthau. In general terms, classical realists believe that international politics are based on the inherent selfishness of human nature and, hence, the pathologies of human drives will also be projected by states in international relations.²¹ In their view, the concept of interest can be defined in terms of the human-nature drive for power, which infuses rational order into the subject matter of international politics.²²

For the purpose of the research, it is important to note that apart from the shared similarities among realist assumptions already mentioned above, such as anarchy and “balance of power”, one of the most important features of classical realist analysis is the important role that domestic structure and individual statesmen play in determining a state’s behaviour. Most classical realists consider both internal and external state politics in their analyses.²³ In other words, according to classical realists, the individual leaders, as well as the state, cannot be overlooked. The states, according to Morgenthau, are seen as rational actors especially in their choice of policies, and each is considered as a unitary actor when it comes to foreign policy-making.²⁴ Yet Morgenthau further argues that “the statesman must think in terms of the national interest, conceived as power among other powers”.²⁵ Thus, to most classical realists, individual statesmen, elites or princes are the main interpreters of interest defined in terms of power although their decisions are also greatly affected by the social reality of the nation or the “national situation”.²⁶

Classical realism as a working theory in IR, however, is problematic. Kenneth Waltz,

²⁰ Wohlforth, 2008, op.cit., p.34.

²¹ See Lebow, 2010.

²² Morgenthau, 1948, op.cit.

²³ Thucydides devotes equal attention to internal developments in Athens and external developments in the diverse theatres of war, while Morgenthau makes a sharp distinction between the two levels of politics, but nevertheless claims that all politics is a struggle for power that is inseparable from social life itself can be found in Lebow, 2010, op.cit., p. 61.

²⁴ Morgenthau, 1948, op.cit.

²⁵ Ibid, p. 165.

²⁶ See Hoffmann, 1974, p. 368.

for example, argues that classical realism can hardly be categorized as a theory as it does not structure its arguments in a systematic way, such as in showing causal relationships for war and peace.²⁷ For example, Waltz argues that anarchy is the enduring “permissive or underlying cause of war” while people and states account only for particular wars.²⁸ Classical realist works are considered as simply a compilation of distilled wisdom of generations of practitioners and yet they can hardly constitute a clear theory with ample applications.²⁹ Another problem faced by scholars from the classical realism tradition is that most of their insights, opinions and analyses were derived from great power incidents which mostly revolved around European aristocratic experiences, and hence may not be relevant in other cases.³⁰

In this regard, neorealism emerges as a modification of classical realism. One clear example is neorealism’s more scientific approach in IR.³¹ Mainly this can be seen through the works of Kenneth Waltz, one of the leading scholars in neorealism/structuralism. He makes an important adjustment to the realist school of thought by arguing that states do not consider power, as proclaimed by classical realists, as an end goal but rather as a means to maintain a state’s survival.³² Another systematic approach that Waltz brings to neorealism is the introduction of three levels of politics in his analysis of the cause of war.³³ The three levels of separate politics or “three images” comprise of the individual level as the first image, the state or the unit level as the second image and the international system level as the third image.

A distinctive feature that differentiates between classical realism and neorealism/structuralism is neorealism’s emphasis on the system level of analysis.³⁴ According to neorealism, the international system is construed as a structure which not only defines the units but also causes the emergence of state behaviour patterns, such as balance of power, due to the existence of the structural constraints of the system.³⁵ The constraints push

²⁷ See Parent and Baron, 2011.

²⁸ See Waltz, 1959, p. 232.

²⁹ Wohlforth, 2008, op.cit., p. 34.

³⁰ Ibid.

³¹ Ibid.

³² See Waltz, 2008, p. 93.

³³ Waltz, 1959, op.cit.

³⁴ Waltz, 2008, op.cit., p.92

³⁵ Ibid.

states toward certain behaviours in a top-down scheme.³⁶ It is important to note that neorealism does not expand further on the discussion of the interaction between a system and the state itself.³⁷ Neorealists also believe that the key players in the international system are powerful states or “great powers” because changes in the system are mostly determined by their changing fates rendering the condition in which less powerful states must respond accordingly to the rise and fall of those great powers’ influence and status.

In addition, neorealism argues that the international political structure has two ordering principles: anarchy and hierarchy.³⁸ Anarchy refers to the condition where there is no authoritative power to subjugate the people and no requirement to obey, whereas hierarchy refers to the condition where there is an authoritative power to command and the requirement to obey. According to neorealism, states in a condition of anarchy tend to balance the existing other powers whereas states in a condition of hierarchy tend to bandwagon with them.³⁹ Neorealism also argues that states may perform internal balancing behaviour, whereby a state uses internal efforts, such as moving to increase its economic capability, developing clever strategies and increasing military strength, or external balancing behaviour by taking external measures to increase security such as forming alliances to ensure its survival.⁴⁰ Another form of balancing could be “soft balancing”, or an act of balancing without directly provoking the state that is being counter-balanced.⁴¹ “Hard balancing” indicates a deliberate military alliance to contend with another alliance, such as the former Union of Soviet Socialist Republic’s (USSR’s) “Warsaw Pact” that was introduced to contend with the US-led North Atlantic Treaty Organisation (NATO). Examples of soft balancing include states’ diplomatic manoeuvres in the UN (hence within the domain of neoliberalism) to limit a powerful state’s hegemony through making coalitions.⁴² For example, Russia, PRC and other less powerful countries managed to activate their combined veto power and cultivate diplomatic consensus in demanding UN disapproval for the US’ unilateral actions in Kosovo and Iraq.⁴³

³⁶ See Donnelly, 2009, pp. 36-7.

³⁷ Waltz, 2008, op.cit., p. 170.

³⁸ Ibid, pp. 114-6.

³⁹ See Kang, 2004 and Lake, 1996.

⁴⁰ Waltz, 2008, op.cit., pp. 118-21.

⁴¹ See Paul, 2005, p.61.

⁴² Ibid.

⁴³ Ibid.

Despite these theoretical developments, neorealism is criticised for being too deterministic in identifying the causes of state behaviour.⁴⁴ Such criticism is directed towards Waltz's over-emphasis on systemic constraints which rendered the states as being helpless in facing external pressure. Henry Kissinger, with well-known "voluntarism" views (as opposed to Waltz's "determinism"), noted that systemic constraints are the product of a state's foreign policy and not the other way around and, hence, the constraints are not automatic but are a creation of state policies, particularly powerful and influential states.⁴⁵ Regarding this matter, Waltz has taken precautions and made amendments by stating that structural theory does not fully explain a state's behaviour as it is only capable of "shape and shove" and it is indecisive since states themselves have the ultimate responsibility in deciding their policies and behaviours.⁴⁶ The nearest that neorealists can get to explaining state behaviour is through the examination of a state's tendency to balance existing power at the system level, as argued earlier.

2. 4 Neoclassical Realism

Since neorealism's explanation seems to be rather limited in understanding the reasoning behind the abrupt ending of the Cold War, particularly regarding the USSR's policy in the late 1990s to implement *perestroika* (restructuring), *glasnost* (openness) and *demokratizatsiya* (democratisation), most realist scholars re-traced their roots in classical realism to understand what they perceived as the USSR's irrational and illogical policy option.⁴⁷ They contend that, since Waltz's neorealism has deeply privileged the third image (systemic environment) as neorealism's starting point of analysis, the immediate effect is that classical realism's emphasis on the first image (the individuals) and the second image (states and domestic society) is heavily undermined.⁴⁸ To address this, the significance of classical realism analysis must be reinstated and its variables further studied in order to explain states' behaviours.⁴⁹ Hence, a new breed of realist scholars known as neoclassical realists began to

⁴⁴ Viotti and Kauppi, op.cit., pp. 51-2.

⁴⁵ Ibid.

⁴⁶ Waltz, 2008, op.cit., pp. 53-4.

⁴⁷ See Rynninga and Ringsmoseb, 2008.

⁴⁸ Ibid.

⁴⁹ Ibid.

incorporate classical realism's individual and domestic variables as well as neorealism's systemic variable in their analysis of states' behaviours.

Neoclassical realism opens up the possibility of inserting constructivist elements (individual perception) and liberalist elements (domestic-societal relations) into the realist approach.⁵⁰ This also means that neoclassical realism has the potential to open neorealism's "black box" assumption of domestic politics by adhering to classical realism's conception of the state in which the individual and the domestic condition begin to matter in determining policies while, at the same time, neoclassical realism retains neorealism's premise that the external condition of the state acts as a restraint for the exercise of policy choices.⁵¹ In short, neoclassical realism tries to explain why, how and under what conditions the internal characteristics of state influence the policies which leaders pursue.⁵² Hence, neoclassical realism as an approach acts as an imperfect "transmission belt" in trying to link systemic incentives and constraints, state material power and the actual state policies.⁵³

Neoclassical realism can be seen through the works of a number of scholars. Stephen Walt's 1985 "balance of threat" theory suggests that it is the perceptions of threat rather than power itself that drives states to a bandwagoning or balancing act.⁵⁴ Here, Walt suggests that although threats can be sourced from objective material threats, such as aggregate capability, geographical proximity and offensive capability, they also can be sourced from subjective ideational threats such as aggressive intention.⁵⁵ He argues that it is the statesmen who will determine the potential threat and prospective allies.⁵⁶ Then there is Fareed Zakaria's neoclassical realism "domestic power structure" model. In his model, Zakaria investigated why the US did not pursue an expansionist policy when it had all the resources to do so.⁵⁷ He considered that the strength of the domestic institutions vis-à-vis a weak state power within the US was the main impediment for the state to utilize its nation's aggregate capabilities

⁵⁰ Neoclassical realism without structural realism is just a mix of liberalism and constructivism. The former cannot exist without the latter given, ironically, the classical roots of the former in Rathburn, 2008, p.312.

⁵¹ Ibid.

⁵² Ibid, p.4.

⁵³ See Rose, 1998, op.cit., pp. 146-7 and Lobell et al, 2009, p. 4.

⁵⁴ Walt introduced the process in which perceptions and misperceptions matter in defining threats in Walt, 1985, p.16.

⁵⁵ Ibid, p.9.

⁵⁶ Walt states that it is the statesmen who play the role of defining threats. Ibid, p.8.

⁵⁷ See Zakaria, 1998.

(national power) for an expansionist policy. Meanwhile, Thomas Christensen's neoclassical realism "internal mobilization" model focused on the process of internal mobilization of societal resources in the form of domestic manipulation of the public by leaders. Here, the decisions of Harry Truman of the US and Mao Zedong of the PRC to support their own grand strategies led to the conflicting behaviour between the two as seen in the unexpected, prolonged Sino-American conflict during the Cold War.⁵⁸ Jeffrey Taliaferro also introduced his neoclassical realism "state-resource extraction" model. Through the model, he signified the important role that the state's resource-extraction capability plays in affecting policies.⁵⁹ The contribution of all of these works could indeed help to explain state behaviour, which may not be fully captured if relying solely on neorealism's privileging of systemic constraints as the main motivator of state behaviour.

The common ground in all neoclassical realism analysis, however, is the effort to link the classical realism level of analysis (first and second image) and neorealism level of analysis (third image) by introducing a multilevel approach in analysing a state's behaviour.⁶⁰ It does so by taking into account the importance of the system level, the unit level and the individual level analyses in its method. In this sense, neoclassical realists uncover domestic politics by considering numerous possibilities of intervening variables which affect the making of policies. Such intervening variables could be found either in domestic politics (unit level) such as state structure, institutional strength, societal forces, interests groups and elite cohesion, or in individual leaders (individual level) such as the perspectives of individual leaders/decision-makers in assessing threats, opportunities and relative power distribution/capabilities, as well as their persuasion abilities. Further, according to neoclassical realism, policies and state behaviours are treated as the dependent variable, while systemic level pressure is considered as an independent variable (see figure 1.1).

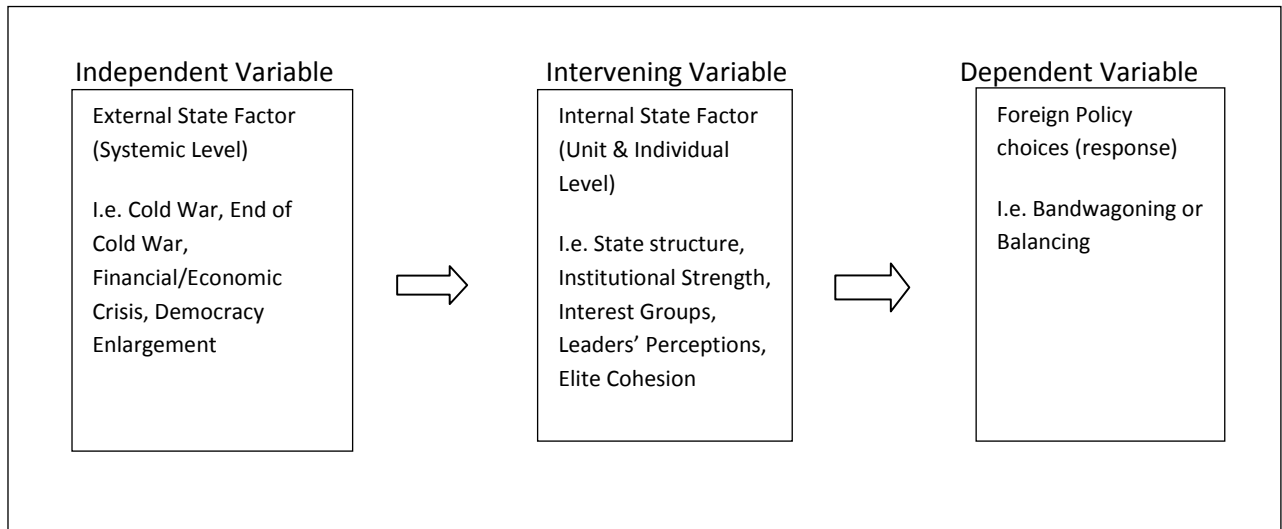
⁵⁸ See Christensen, 1996.

⁵⁹ See Taliaferro, 2006.

⁶⁰ First image, second image and third image in Waltz, 1959, op.cit. and the linking can be found in Rose 1998, op.cit.

Figure 1.1

The logic of Neoclassical Realism analysis on Policy Choices



By taking into account the concept of “balance of power” found in classical realism and neorealism, neoclassical realism tries to complement it by suggesting that a state does not necessarily balance against power but, rather, they tend to balance against threat or what seems be more threatening to the key leaders.⁶¹ Thus, according to neoclassical realism, the concept of “balance of threats” has a potential to explain a state’s under-balancing behaviour, when a state fails to balance, out of either inefficiency or incorrectly perceiving the other state as less of a threat than it actually is. Randall Schweller argues that, in determining state balancing behaviour, one of the possible domestic intervening variables is elite consensus.⁶² Here, elite consensus refers to an agreement or shared perception among political elites of what constitutes a threat.⁶³ In this sense, the construction of threats and states’ relative power distributions are all influenced, not only by the material condition as found in the structuralist and positivist argument, but also by how leaders and elites perceive threats and opportunities and how they assess the state’s relative distribution of power. Hence, neoclassical realism suggests that perception, particularly decision-makers’ and individual leaders’ perceptions of threat, power and interests, is subjective and relative.

⁶¹ Walt, 1985, op,cit., p.8.

⁶² See Schweller, 2004, p. 169.

⁶³ Ibid, p. 170.

2.5 Neoclassical Realism Differences Compared with Liberalism and Constructivism

The main difference between neoclassical realism and other IR paradigms lies in the starting point for analysis. Neoclassical realism's starting point, like neorealism, begins at the structure or system level (top-down approach) and not domestic politics or ideas. Again it is worth reiterating that neoclassical realism analysis would begin to venture into other possible causes found in the analysis of domestic politics only if a state's behaviour deviates from the ideals of neorealism.⁶⁴ The main reason is that, if domestic political factors have an overwhelming influence in the decision-making process, causing state interests to be sacrificed for parochial interests that cause them to deviate from neorealism's assumed behaviour, there will be consequences.⁶⁵ The more the state is captured by parochial actors, causing elites or leaders to believe in alternative social constructions of reality different from the "objective" reality outlined by neorealism, the more severe the penalty will be.⁶⁶ The example of states being dominated by domestic politics can be seen in Schweller's underbalancing example of France and the UK's appeasement of Germany in the 1930s when they should have balanced.⁶⁷ The result proved to be disastrous for both countries as too much consideration was given to societal forces by the state, which had caused them to underbalance the actual threat.

Neoclassical realism also differs from any liberal or pluralist theory in terms of the role of the state since, in most pluralist theories, the state is considered to be hijacked by, or is an agent of, societal forces.⁶⁸ Neoclassical realism, meanwhile, stipulates that the state still plays the autonomous role of interpreting external threats, defining national interests and determining policy trajectory. In this sense, neoclassical realism maintains realism's privileging of the state and neorealism's systemic constraints. However, unlike classical realism and neorealism, neoclassical realism suggests state authority has to consider or bargain with other domestic forces which exist at the unit level in order to be able to extract or mobilize resources to support their chosen policies. Regarding state behaviour, despite the fact that neoclassical realism still takes into account realist arguments such as the condition of

⁶⁴ Rathbun, 2008, op.cit., p. 296.

⁶⁵ Ibid, p. 317.

⁶⁶ Ibid.

⁶⁷ Schweller, op.cit., p. 2004.

⁶⁸ Lobell, 2009, op.cit.

anarchy and power distribution, it differs by not taking the concept of national interests for granted. Instead, national interest is considered subject to interpretation by the state or the individual leaders.

In contrast with constructivism, neoclassical realism puts limits on its use of ideas and perceptions.⁶⁹ For example, neoclassical realism problematises the use of perception and it does not deny realism's conception of the existence of objective reality. This stand is in contrast with constructivist argument, which repudiates the existence of objective reality and states that all reality is socially constructed and "anarchy is only what states make of it".⁷⁰ According to neoclassical realism, states must often fall back on perception, not because reality is socially constructed but rather because they lack complete information about that reality. Walt is often alleged to have stepped beyond the bounds of realism, toward constructivism, by stressing perception of aggressive intentions as a key element of threat.⁷¹ But intentions are never known for sure and, hence, any attribution of intent must always be based on perception. Neoclassical realists are not arguing that the interpretation of threatening behaviour is a product of norms and identity, as suggested by a constructivist perspective. Rather, neoclassical realism employs ideas as merely the product of a leader's perception or misperception (mistakes) of realism's claim of "objective" reality. As a result, in most cases, when neoclassical realism is discussing perception, it is hinting at leaders' perceptions on their states' relative positions in terms of power distribution to avoid straying too far from realism's domain of objective reality.⁷² For example, according to Snyder's "myths of empire" thesis, leaders tend to wrongly perceive their relative power, or other states' relative power distribution and the objective reality. As a result they tend to believe that expansion is possible and likely to lead to greater power, although such belief mostly goes against systemic rules of international politics.⁷³ Most expansion, for example, has resulted in self-encirclement, as seen in the act of balancing by other states against the aggressors, either by trying to overwhelm or besige them.⁷⁴

⁶⁹ Rathburn, 2008, op.cit., pp. 315-6.

⁷⁰ See Wendt, 1992.

⁷¹ See Legro and Moravcsik, 1999 and Rathburn, 2008, op.cit., p. 316.

⁷² Rose, 1998, op.cit., p. 147.

⁷³ See Snyder, 1991 p. 48.

⁷⁴ Ibid.

2.6 The Strengths and Limitations of Neoclassical Realism

One of neoclassical realism's strengths as a framework for research is that neoclassical realism has the flexibility to offer a lot of variants in its application. Hence, neoclassical realism is an analytical tool that is fluid enough to be adjusted to historical specificities and their transformation in different periods through empirical study, particularly when compared with the rigidity of classical realism and neorealism. This makes neoclassical realism a very useful tool in analysing not only great power states, which are mostly accounted for in the domain of neorealism, but also third world states or intermediate states, as it helps in understanding how third world states translate systemic pressure or constraints provided by the great powers, through the existing internal/domestic intervening variables, into policy responses. Samples of analytical research which have utilised a number of neoclassical realism models on third world states have been plentiful, such as Thomas Juneau's neoclassical realism "Perception, Identity, and Faction Politics" model on Iran's foreign policy, Kai He's neoclassical realism "International Pressure-Democratic Legitimacy" model on Indonesia's foreign policy and Candice Eleanor Moore's neoclassical realism "Governing Parties and Southern Internationalism" model for South Africa and Brazil's foreign policies.⁷⁵

In respect of foreign policy, the other strength of neoclassical realism is that it offers an explanation for not only great powers' foreign policies but also for smaller powers' policies.⁷⁶ Unlike neorealism's emphasis on great powers, neoclassical realism takes into account the pattern of behaviour that states with lesser power can display in trying to control and shape their external environments.⁷⁷ In this regard Mohammed Ayoob's "Subaltern Realism" and Steven David's "omnibalancing" on third world countries' conditions and alignments, perceptions of internal and external threats, and state behaviours vis-à-vis great powers are pertinent in supplementing the existing neoclassical realism assumptions. Smaller powers here refer to former colonies and developing, warring, divided, weak or failed types of states.⁷⁸ Such converging potential is due to neoclassical realism's inclusion of both internal and external variables and, hence, despite the primacy of systemic constraints, threats

⁷⁵ See Juneau, 2009; He, 2008 and Moore, 2011.

⁷⁶ Lobell, 2009, op.cit., pp. 43-4.

⁷⁷ Rose, 1998, op.cit.

⁷⁸ Ibid.

can be considered to emanate from both a state's external and internal environments.⁷⁹ In this regard, leaders, particularly third world leaders, are assumed by neoclassical realism to be capable of preserving their rule by acting domestically for international reasons.⁸⁰ Such strength also is demonstrated in neoclassical realism's potential for analysing third world states' behaviours that are more complex than neorealism's "balance of power" theory as normally displayed by great powers. Neoclassical realism theorists, for example, have come up with numerous state behaviour patterns with regard to small-to-medium powers' relations with each other or with great powers, such as omnibalancing, hedging, aligning, appeasing, compromising or transcending.⁸¹

Neoclassical realism also has a degree of compatibility with other mid-range theories. A demonstration of such compatibility can be seen in the similarity between Robert Putnam's "Two Level Game" theory and classical realism's emphasis on the influence that decision-makers or leaders have in policy making since neoclassical realism's emphasis on the role of statesmen and leaders in policy making was originally derived from classical realism perspective. Here, Morgenthau, as a classical realist, assumed statesmen or leaders think and act in terms of interest defined as power and their policy option is rationally considered based on such conception of interest.⁸² Likewise, Putnam also assumed that national leaders, during international negotiating processes, pursue policies which serve their own interest in securing domestic power for leadership as well as their country's national interest.⁸³ In this regard, whereas classical realists merely see leaders as power seekers in general terms, Putnam specifically assumed that leaders pursue interests defined as power in both their internal and external environments.⁸⁴

In this sense, "Two Level Game" theory complements neoclassical realism analysis in trying to understand when and how leaders reason between domestic and external

⁷⁹ Mohammed Ayoob refers to the third world as distinguishable from the European model with a whole set of unique behaviours which he termed "subaltern realism" in Ayoob, 2002. Meanwhile, according to Steven David, Third World State leaders perform "omnibalancing" (internal and external balancing) in dealing with both external and internal threats to their rule in David, 1991. Like neoclassical realism, such works complement neorealism assumption on the supremacy of external constraints

⁸⁰ Lobell, 2009, op.cit., pp. 43-4.

⁸¹ Omnibalancing, aligning and appeasing in David, 1991, op.cit.; hedging in Goh, 2006; compromising in He, 2008, op.cit. and transcending in Schroeder, 1994 p. 117.

⁸² See Morgenthau, 2007, pp.8-9.

⁸³ See Putnam, 1988, p. 430.

⁸⁴ Ibid.

imperatives. Whereas neoclassical realist acknowledges the dominance of external drive in affecting policy outcome within the linkage of states' external and internal environments , Putnam's "Two-Level Game" theory treats both (external and internal) conditions with equal importance and thus it is able to capture the interplay between the two which still revolves around the concept of power and interests.⁸⁵ In other words, according to "Two Level Game" theory logic, shifts or continuation of policies could be analysed through both domestic causes and international effects (Second Image), and international causes and domestic effects (Second Image reversed), or could be caused by both as captured in Robert Putnam's two-level game analysis.⁸⁶ Putnam hypothesised that, at the national level, domestic groups pursue their interests by pressuring the government to adopt favourable policies, and politicians or leaders seek power by constructing coalitions among those groups. At the international level, national governments each seek to maximize their own ability to satisfy domestic pressures, while minimising the adverse consequences of foreign developments. Neither of the two games can be ignored by central decision-makers, so long as their countries remain interdependent yet sovereign.⁸⁷

According to Putnam's "Two Level Game" metaphor, each national political leader appears at both game boards.⁸⁸ Across the international table sit his or her foreign counterparts, and on the same side sit diplomats and other international advisors (as negotiators). Around the domestic table behind him or her sit party and parliamentary figures, spokespersons for domestic agencies, representatives of key interest groups and the leader's own political advisors. Any key player at the international table who is dissatisfied with the outcome may upset the game board and, conversely, any leader who fails to satisfy their fellow players at the domestic table risks being evicted from their seat. The aim of the two-level game, if possible, is to aim for an acceptable equilibrium in which the objective of policy can be met both by the domestic actors and the international community or to arrive at a condition which Putnam refers to as a "Synergistic Linkage".⁸⁹ A win-set, therefore,

⁸⁵ Ibid.

⁸⁶ Ibid, p.430

⁸⁷ Ibid.

⁸⁸ Ibid.

⁸⁹ Ibid.

according to Putnam, relies heavily on the strategy and the discussion that takes place during negotiations at level I (or negotiator level) and level II (or Parliamentary level).⁹⁰

However, in trying to achieve such a win-set, irrationality is often involved in policy making. Such possible irrationality is accommodated both in neoclassical realism as well as Putnam's "Two Level Game" theory due to the emphasis that both approaches put on the role of leaders and domestic power structure as crucial domestic intervening variables in affecting policy outcome. Due to the importance of leaders, hence the possible irrationality in policy making, according to neoclassical realism claim, is because of limited information received by leaders, misperception or the need to control domestic support or resource for policy which may impair the rationality of the policy itself.⁹¹ Meanwhile, Putnam's "Two Level Game" theory complements such neoclassical realism stand by stipulating that what is rational from a domestic perspective may be irrational or "impolitic" from foreign perspective and vice versa.⁹² This makes irrationality as argued by neoclassical realism and Putnam's "Two Level Game" theory to potentially act as a foil to neorealism assumption. As a result both approaches rely on the investigation of foreign and domestic contexts in order to better understand the anomalies of policy choices taken by leaders.

Despite these strengths, however, there are a number of limitations that can be inferred from neoclassical realism's method of analysis. Some argue that one of the limitations of neoclassical realism is that it is not consistent with realist theories that assume states will act rationally and unitarily in responding to systemic pressure. By opening the "black box", perceptions of leaders and elites began to matter and interests other than the states are parts of the equation that needed to be considered. As a result, irrationality or misperception is likely to occur. While neoclassical realists maintain that irrationality and misperception are mostly due to "bounded rationality" or limited and incomplete information provided to decision-makers and, hence, render mistakes in policy, the line gets blurry once neoclassical realism discusses abstract concepts such as the decision-maker's ideas, beliefs or intents which have a significant impact on policy choices.⁹³ Hence, neoclassical realism is

⁹⁰ Ibid.

⁹¹ Morgenthau, 2007, op.cit., pp.8-9.

⁹² Putnam, 1988, op.cit., p.434.

⁹³ Legro and Moravcsik, 1999, op.cit., p. 12.

considered by some to be more of a hybrid in which constructivist elements are inserted into a realist pattern of thinking.⁹⁴

Secondly, neoclassical realism's insertion of possible intervening variables from domestic politics has been considered as more consistent with a liberalist approach rather than a realist one.⁹⁵ Realism's domain, particularly neorealism's emphasis on the system level of analysis, would appear to have been compromised with liberalism's domestic emphasis. The incorporation of variation in underlying domestic preferences, according to Jeffrey W. Legro and Andrew Moravcsik (1999):

...undermines (if not eliminates) the theoretical distinctiveness of neoclassical realism as a form of realism by rendering it indistinguishable from non-realist theories about domestic institutions, ideas, and interests⁹⁶

Thirdly, as there is still no academic consensus as to which intervening variables should be included in or excluded from the framework; the neoclassical realism approach employs a number of possible models in accordance with the different objects or contexts of analysis and different research questions asked. As a result, neoclassical realism is often accused of reductionism from neorealism assumptions by trying to explain the variation in the properties and characteristics of the system, such as states and power relations, not by looking at the whole picture but rather by breaking it down into specific cases in which state foreign policy is analysed in relation to other states within the system.⁹⁷ In this regard, neoclassical realism is considered to lack theoretical rigour, in contrast with neorealism's "determinism". Such a condition downgrades neoclassical realism's status to a theory of foreign policy, in contrast to neorealism's status as a theory of international politics.⁹⁸

2.7 Human Rights in Realism

After discussing the evolution of realism as a tool of analysis, the issue of human

⁹⁴ Lobell, 2009, op.cit., p. 22.

⁹⁵ Ibid, p. 23.

⁹⁶ Legro and Moravcsik, 1999, op.cit., p. 28.

⁹⁷ Lobell, 2009, op.cit., p. 21.

⁹⁸ Legro and Moravcsik, 1999, op.cit., p. 28.

rights in realism also needs to be explained. Although the issue of human rights, as argued earlier, has not been realism's main area of focus, it is crucial for this research as it seeks to analyse the transformation of Indonesia's human rights policy. In this section, human rights firstly will be introduced as a politically recognized concept in IR. Then human rights will be discussed as a policy option which can be practised and pursued by both the oppressors and the oppressed. Later on, this section also presents a discussion on the ongoing debate for supremacy between human rights and state rights and how the two can be perceived to be compatible or incompatible with each other.

2.7.1 Human Rights as Politics

Human rights, as understood today, are the rights of human beings who have been granted protection by international law, particularly the ones that have been enshrined in the 1948 UN UDHR. The UN human rights regime was further strengthened by human rights conventions such as the ICCPR, the ICESCR, the CAT, the Convention on the Elimination of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CROC) and others. The definitions of human rights, though diverse, seem to be dominated by the liberal conception of rights, which states that human rights are those rights that one has because they are human and that they are necessary to live a life of dignity. They are thus considered to be universal and inalienable.⁹⁹ In terms of human rights, there also seems to be a consensus that their promotion is obligatory for all states, particularly member states of the UN, as violation of such rights may entail repercussions such as “naming and shaming”, sanctions and even humanitarian intervention.¹⁰⁰ The dominance of the human rights concept, in this regard, has even challenged state sovereignty.

This research, however, employs a realist definition of human rights that considers such rights as merely value claims.¹⁰¹ This certainly differs from the liberal conception of human rights which views human rights as a taken-for-granted universal set of values which

⁹⁹ See Donnelly, 2007.

¹⁰⁰ See Hafner-Burton, 2008.

¹⁰¹ Dunne and Hanson, 2009, *op.cit.*, p.71. They argue that, after 1989, key Western states recognized that the liberal values that defeated communism were universal values. The so-called ‘King’s peace’, by which states turned a blind eye to what was going on inside other countries’ borders, was no longer tolerable.

serves as a common ground for all humanity.¹⁰² Such a liberal definition, according to the realist view, is misleading because the universal aspiration of human rights is itself double-sided.¹⁰³ For example, during the early development of human rights, only a small group of white and wealthy European males constituted being “human” in most Western Enlightenment conceptions of human rights. This makes the original concept of human rights a Western concept that was formed to suit the Western social context and to benefit the interests of Western white males, as can be seen in the human rights justifications made for Western countries’ colonial practices and patriarchal systems.¹⁰⁴ However, the invocation of human rights has also been utilised as a universal tool for the oppressed in almost all parts of the world in their struggles against forms of oppression such as imperialism, colonialism and authoritarian rule. Thus, such elaboration renders human rights as a concept that is inherently political, since the usage of human rights can involve a number of possible interests (the oppressor’s and the oppressed’s interests) and the understanding of the politics which surrounds them is important for comprehending the human rights concept.¹⁰⁵

From a realism perspective, such a restricted definition of human rights as mere value claims is certainly applicable in Schweller’s conception of ‘balance of interests’ to demonstrate the politics or the possible interests at play.¹⁰⁶ Schweller argues that states tend to balance their interests and those interests could be either to defend existing values or to extend them.¹⁰⁷ For example, based on Schweller’s state categorisation, if we portray Indonesia as a “lamb” state, then, Indonesia is limited in its capacity to defend or to extend its values and, as a result, will become prey to other powerful states belonging to the “lion” or “wolf” state categories.¹⁰⁸ Indonesia fits the category as a “lamb” state since it is a third world state which possesses relatively few capabilities and suffers from poor state-society relations for a variety of reasons: its elites and institutions may lack legitimacy with the masses; it may be internally divided along ethnic, political, class, religious or tribal lines; and the state’s

¹⁰² See Mitchell et al., 1987.

¹⁰³ Dunne and Hanson, 2009, op.cit., p. 4.

¹⁰⁴ See Grosfoguel, 2009.

¹⁰⁵ See Ignatieff, 2000.

¹⁰⁶ See Schweller, 1994, op.cit., pp. 99-104.

¹⁰⁷ Ibid.

¹⁰⁸ Ibid. Schweller differentiates between ‘lion’ states (satisfied great powers which pay great costs to defend their values and little cost to extend their values), ‘wolf’ states (dissatisfied great powers which pay great cost to defend their values but even greater cost to extend their values), ‘fox’ states and ‘lamb’ states.

ideology may conflict with and be imposed upon the popular culture.¹⁰⁹ As a result, if we consider human rights as a values claim, then based on “balance of interests” logic, Indonesia shows limited effort to defend its own version of human rights values against the spread of the dominating force’s influence, which tries to extend its values, namely the Western powers’ imposition of their values in South East Asia as part of the Washington Consensus or Clinton’s Democratic Enlargement doctrine after the Cold War.¹¹⁰

Realist understandings of human rights consider them as merely a set of values that express the subjective political convictions and aspirations of a particular group of people under the pretext of promoting national interests. For example, according to realism, the issue of human rights does not revolve around the question of whether human rights are compatible with other traditions or beliefs, but it revolves around the question of whether one endorses the values expressed through human rights or the values that might conflict with human rights. According to realism, states’ willingness to make human rights their priority national interests is based on rational calculation. The US and PRC’s stances on human rights could be indicative of such an interpretation. Dunne and Hanson argue that the US used human rights and democracy as ways to strengthen its hegemony after the Cold War, whereas Madison Condon argues that the PRC took full advantage of establishing relations with countries that tended to violate human rights, consistent with its preference for non-interference with internal matters including human rights practices.¹¹¹ Similarly, John J. Mearsheimer clearly captures great powers behaviour towards the issue of human rights. He states that great powers pursuance of non-security goals (namely to promote or protect human rights) is only done if it does not in any way conflict with balance-of-power logic or their prospect for survival.¹¹² At times, pursuing these non-security goals may even complement their hunt for relative power.¹¹³ However, if it does conflict with balance-of-power logic or their security is at risk, then, in accordance with the hierarchy of state goals, great powers are more likely to behave according to the dictates of realism.¹¹⁴

¹⁰⁹ Ibid, p. 102.

¹¹⁰ See Chimni, 2006.

¹¹¹ After 1989, key Western states recognised that the liberal values (democracy and human rights) that defeated communism were universal values in Dunne and Hanson, 2009, op.cit, p.71 and China’s non-intervention principles with Authoritarian or Dictatorship regimes in Africa which tend to violate human rights in order to promote China’s economic interests in Condon, 2012, pp.6-8.

¹¹² See Mearsheimer, 2007, pp. 57-8.

¹¹³ Ibid.

¹¹⁴ Ibid.

2.7.2 Human Rights as Power and Policy

In relation to power, human rights can be understood as both “power of rights” and “rights to power”.¹¹⁵ The “power of rights” refers to a liberalist understanding of human rights in which human rights is commonly perceived as a concept of liberation with the potential to lead to the emancipation of humans from a condition of suffering. According to the liberal internationalist view, though human rights may be understood as a form of power, ideally it is designed to limit states’ power since human rights aims to reduce suffering by keeping state power in check.¹¹⁶ Once institutionalized, human rights have the potential to demonstrate its emancipating-coercive mechanism, as shown in the emergence of an International Criminal Court which aims to indict human rights violators for genocide, crimes against humanity, war crimes, and the act of aggression.¹¹⁷ Another example, according to the latest development of international law, the failure of states to comply with the “responsibility to protect” (R2P) may result in international military intervention as according to the International Commission on Intervention and State Sovereignty (ICISS) report the task to protect people from grave human rights violation can be overtaken by the international community if their state is “unable or unwilling” to do so.¹¹⁸ Here, the acknowledgement of R2P by the UN and international community has therefore fostered three types of responsibilities namely 1) responsibility to prevent (grave human rights violations) 2) responsibility to react (sanctions and international intervention) and 3) responsibility to rebuild (post-intervention).¹¹⁹ As a result the R2P concept indeed undermines state sovereignty and state rights namely non-interference as according to the report “the principle of non-intervention yields to the international responsibility to protect”.¹²⁰ Liberals, however, admit there are significant limitations on the exercise of R2P. In particular, the permanent members of the UN Security Council can veto any attempts to intervene into the internal affairs of states, should they wish to do so. Thus human rights advocates often need to interact with state power and lobby for action in order for rights’ emancipatory aims and the

¹¹⁵ See Falk, 2008.

¹¹⁶ Ibid.

¹¹⁷ See Souter, 2008, p.145.

¹¹⁸ See ICISS, 2001, p.11.

¹¹⁹ See Cremades, 2011.

¹²⁰ ICISS, 2001, op.cit., p. IX.

enforceability of their mechanisms to be realized.

Meanwhile, “rights to power” refers to the realist argument that a concern for human rights is only articulated by powerful states to exert influence on other states if it matches their geopolitical interests.¹²¹ Falk argues that “rights talk is excluded from public consciousness, or artfully manipulated, whenever it gets seriously in the way of the rights to power”.¹²² Mainly this is due to the fact that in practice many powerful states which had blatantly violated human rights were not the main concern for the global promotion or protection of human rights.¹²³ Hence, human rights can be construed as an instrument of power, regulation, or even domination.¹²⁴ In this vein, human rights could be thought to maintain a “secret solidarity” with powerful states.¹²⁵ Human rights advocates, therefore, need to carefully distinguish between the emancipatory and hegemonic power of human rights since they themselves could become agents which promote hegemonic international law.¹²⁶ Failing to appreciate the distinctions between human rights emancipatory power and human rights hegemonic power weakens the universal claim of human rights.

For the purpose of this research, human rights is understood as Falk’s “rights to power” definition, and human rights policy can thus be seen as a political tool for states to promote their external and internal interests. Like great powers usage of human rights discourse to justify their hegemonic rule externally as well as to consolidate their domestic position internally, Indonesia, as a small-to-medium power, has also used human rights discourse in several periods of its history either to contest or to conform to universal human rights standard (or Falk’s definition of “power of rights”) in its bid for state power. Contestation is done through the articulation of a distinctive set of Indonesian traditional values which has a close resemblance to the values set forth in the “Asian Values” argument such as family values, consensus and respect for authority in order to maintain Indonesia’s influence, be it internally or externally while conformation is simply by adhering to the hegemonic human rights norm.

¹²¹ “Rights to power” was coined by Richard Falk.

¹²² Falk, 2008, op.cit., p. 87.

¹²³ Ignatieff, 2000, op.cit. The double standard of human rights sanction in the American exceptionalism undermines its emancipation ability and allowing political maneuver in its implementation.

¹²⁴ Souter, op.cit., p.141.

¹²⁵ See Agamben, 1998.

¹²⁶ Falk, 2008, op.cit., p.91.

Such a definition is necessary since, if applied in Indonesia's case, domestically, human rights issues are invoked to strengthen state power through mobilizing societal resources or simply retaining leader's legitimacy and authority. Meanwhile, externally, human rights can be interpreted as a foreign policy or political behavior of a state in relation with other states based on their relative distribution of power within the international system. Such definition is in accordance with classical realism analysis which states that all politics is power politics and this includes moral politics and utopian ideas as they could be considered as means to obtain power.¹²⁷ Such a realist definition allows analysts to interpret Indonesia's human rights policy not simply as "morally" right behavior for a state but rather as a possible instrument to engage the dominant power (balancing or bandwagoning) in accordance with Indonesia's own interests as a small-to-medium power and perception of threat as will be argued in the case-study chapters.

2.7.3 State Rights versus Human Rights

According to the realist perspective, the most common concept embodying state rights is state security and sovereignty.¹²⁸ Here, state security relates to a state's perception of the condition in which it is facing internal or external challenges, hence a possible threat.¹²⁹ In response to such perception of threat, states which have the ability to justify the credibility of threats or challenges faced, as well as the ability to attain international legitimacy for the handling of such threats or challenges, can activate one of the oldest international norms, known as sovereignty.¹³⁰ This is because, within the concept of sovereignty, as acknowledged by international law, states have certain exclusive rights such as the right to maintain territorial integrity, to a monopoly on the use of violence (that is, the use of physical force by the military and police to maintain security and order), and to determine internal policies as well as forms of governing.¹³¹ However, human rights, according to realist scholars, are considered a newly established international norm that could lead to a condition where states

¹²⁷ See Kitchen, 2010, p.127.

¹²⁸ See Jetschke, 2011, p. 3.

¹²⁹ Ibid.

¹³⁰ Ibid.

¹³¹ Krasner divides sovereignty into four types: domestic sovereignty, interdependent sovereignty, international legal sovereignty, and Westphalian sovereignty in Krasner, 1999, Ch. 4 & 5.

are forced to forfeit their exclusive rights, as outlined earlier.¹³² Thus human rights can be understood as providing a challenge to states' rights to sovereignty.

The current discussion on state rights versus human rights among realist scholars is ongoing. Stephen Krasner seems to suggest that sovereignty, particularly domestic sovereignty, is inviolable in any circumstances.¹³³ He argues that any attempts to weaken the sovereignty of the state by reasoning, such as highlighting human rights violations, would only point out the weaknesses and hypocrisy in international law.¹³⁴ Such a point is also strengthened by the fact that, with regards to human rights violations, a sovereign entity that is strong in terms of power within the international system is always an exceptional case for humanitarian intervention, while a sovereign entity that is weak in terms of the state power distribution is more vulnerable to humanitarian intervention.

Meanwhile, Jack Donnelly suggests that human rights have a place within the sovereignty of the state.¹³⁵ He argues that human rights actually are embedded within sovereignty and do not in any way reduce state sovereignty.¹³⁶ For example, when it comes to human rights protection, the international human rights obligations of states are solely to their own nationals and, thus, states have neither a right nor a responsibility to implement or enforce the human rights of foreigners on foreign territories.¹³⁷ In this regard, the construction of international human rights seems to co-exist and is compatible with the concepts of sovereignty, albeit that human rights here are only considered to apply to state nationals. Another argument is that the development of human rights needs the function of the state in order for human rights to thrive. Mainly, this is because "states actually define, delimit, and contain those rights, thereby domesticating their use and affirming the authority of the state as the source from which such rights spring".¹³⁸ Hence, the important point is to humanise the sovereign states rather than to weaken them.¹³⁹

¹³² Ibid.

¹³³ Ibid.

¹³⁴ Ibid, p. 33.

¹³⁵ See Donnelly, 2004.

¹³⁶ Ibid.

¹³⁷ Ibid.

¹³⁸ See Koskeniemi, 1991, p. 406.

¹³⁹ Donnelly, 2004, op.cit.

From the arguments presented above, it is clear that human rights can be seen as either compatible or incompatible with the system of states in international relations. Both arguments are valid and can therefore be utilised by influential leaders from powerful or weak states alike to choose the manner in which they want to either advocate or violate human rights in their policies. In this way, analysts can safely assume that such ongoing arguments have also become part of states' strategies to incorporate or to deny human rights. In the case of Indonesia, it also tries to astutely choose between the two sides of debate in responding to systemic pressures. The side that Indonesia will be on, as will be investigated in the upcoming case study chapters, is assumed to be greatly influenced by the external environment as well as domestic politics.

2.8 The Neoclassical Realism “Leader’s Perception-Domestic Structure” Model for Indonesia

As already outlined, neoclassical realism has the potential to shed light on Indonesia's human rights policy. As in any neoclassical realist analysis, the starting point in this thesis is the system level and this will be considered the independent variable. As with neorealism, neoclassical realism assumes that systemic constraints have significant influence on states' behaviours. In analysing Indonesia's case, this thesis will explore multiple independent variables or systemic constraints which have significantly impacted the course of Indonesia's policy-making, from Indonesia's 1945 independence to the present time. The reason for the use of multiple independent variables is mainly because this neoclassical realism research also utilises a history-grounded approach and, thus, patterns of the systemic constraints faced by Indonesia differ over time.

Whereas neorealism simply divides states' behaviours into strict “black or white” dualism by assuming that any states that defy the ideals of neorealism¹⁴⁰ would be punished while those states which follow would survive, neoclassical realism would instead

¹⁴⁰ Going against the ideals of neorealism means to go against the systemic pressure or constraints which could be an option, but risks punishment by the system since, according to realism, systemic constraints directly influence states' behaviours in Waltz, 2010, p.106.

problematise such an assumption based on a state's chosen behaviour.¹⁴¹ Neoclassical realism may thus provide an alternative explanation of why states have chosen certain behaviours or policies, which defies the logic of neorealism. Neoclassical realism may provide a greater understanding of the reasons behind states' policy choices through the employment of a number of possible intervening variables within Indonesia's domestic context that may be influential in affecting the trajectory of policies.¹⁴²

In analysing Indonesia's state behaviour, in this thesis, two domestic level variables are included as intervening variables in the application of neoclassical realism:

- 1) *Leaders' perceptions*. Perceptions of leaders matter in neoclassical realist analysis and can be considered as an important intervening variable for Indonesia's case. Mainly, this is because neoclassical realism questions neorealism's assumption that a state is a unitary and rational entity that can perceive its relative distribution of power and adopt logical policy responses.¹⁴³ The main reason is the fact that the state is made up of individuals who construct systems, institutions and bureaucracies; individuals who lead and follow and individuals who make decisions.¹⁴⁴ Hence, the incentives/constraints imposed by the structural environment are considered by neoclassical realism as blurry and need to be firstly interpreted by "flesh and blood officials".¹⁴⁵ Neoclassical realism assumes that such unclear signals exist because leaders and the military have tendencies to overestimate the hostility of adversaries, exaggerate the potential gains from expansion, or mistakenly believe others will bandwagon with them in their conflicts.¹⁴⁶ Thus governments, in addition to other foreign policy actors, translate these unclear external messages into policy outputs through a system of "filtering". Meanwhile, in Indonesia's case as a newly independent state, personal

¹⁴¹ Ibid. According to ideals of neorealism, systemic pressures are the principal determinants of outcomes and they encourage certain actions and discourages others.

¹⁴² The intervening, domestic-level variables which "channel, mediate and (re)direct" systemic pressures represent one of the main, and most controversial, innovations of neoclassical realism in Schweller, 2004, p. 164

¹⁴³ "...statesmen, not states, are the primary actors in international affairs, and their perceptions of shifts in power, rather than objective measures, are critical" in Zakaria, 1998, p. 42.

¹⁴⁴ Kitchen, 2010, op.cit.

¹⁴⁵ Rose, op.cit., 1998, p. 158.

¹⁴⁶ Rathburn, 2008, op.cit., p. 84.

idiosyncrasies of the top leadership can be a determining factor in shaping policies. The reason for this, according to Weinstein, is that “new states are usually “reckless” in their conduct on the basis of almost random pressures and at times policy can be because of accidents, whim or emotions”.¹⁴⁷ In this sense, neoclassical realism considers the process of how political actors perceive threats and relative power, and how those imperfect cognitive processes lead to perception and misperception.¹⁴⁸

- 2) *Domestic power structure*. Here, what is referred to as the domestic power structure is the internal power structure of the state. In such a context, neoclassical realists assume that, despite the fact that leaders’ choices of policies are influenced by their perceptions and ideas, enacting a policy does not rest solely on the leader’s discretion alone. Analysts, according to neoclassical realism, should investigate state-society relations in determining the possibility of extracting resources for power from their domestic environment in order to pursue policies.¹⁴⁹ Fareed Zakaria’s “From Wealth to Power” thesis clearly outlines the significance of domestic power structure in a neoclassical realism analysis. He argues that, if the state power is weak, as characterised by fragmentation in the government, while there exists the strengthening of other competing domestic institutions, then such a condition may hinder certain policy options that can be pursued by the state despite the existence of systemic opportunity.¹⁵⁰ Thus, this research investigates state power such as the state’s ability to mobilise resources, state apparatuses and domestic institutions, as well as the impact that these elements of state power make upon policy choices.

The last variable of the neoclassical realism analysis is the dependent variable and it is the policy chosen by states or the outcome of the policy-making process. In Indonesia’s case, such a dependent variable is demonstrated in Indonesia’s choice of human rights policy from 1945 to the present. Thus, it can be inferred from the explanation above that neoclassical realism is an attempt to bridge IR and foreign policy analysis. Such attempt can be further explored by analysing the similarities and differences between neoclassical realism “domestic

¹⁴⁷ See Weinstein, 2007, pp. 21-2.

¹⁴⁸ See Jervis, 1976.

¹⁴⁹ Lobell, 2009, op.cit., p. 23.

¹⁵⁰ Zakaria, 1998, op.cit.

power structure-leader perception” model and Graham Allison’s three models of decision making. If compared with Allison’s models of decision making, the domestic variables used in realism, particularly neoclassical realism “domestic power structure-leader perception”, has a number of similarities.¹⁵¹ The reason is because, like in any realism theory, Allison’s rational actor model views the state as a unitary entity which, like an individual, behaves and think rationally in terms of national interests and power. Meanwhile, Allison’s organisational process model looks instead at the role that domestic agencies play in the shaping up of policy according to state’s hierarchy of authority, control and “standing operation procedure (SOP)” which may cause the state to behave irrationally. The last model, which is Allison’s government politics model, puts much emphasis in the lobby process by competing domestic agencies rendering a policy which is not rational but rather determined by the influence which had dominated over others as a result of the compromises and consensus reached. In this regard, just like the variables used in neoclassical realism “domestic power structure-leaders perception” model, the domestic intervening variables found in Allison’s organisational process and the government politics model offer possible explanations (bureaucratic authority and government compromises) in determining policy deviations from realism’s emphasis on rationality, power and national interests.

Yet, the differences between neoclassical realism and Allison’s three models are also significant. First, the main difference lies in neoclassical realism emphasis on external factor as the primary determinant of decision making. Unlike Allison’s arguments, neoclassical realism (IR) presumes that systemic factors determine state behaviour. But decision-making by policy executives simply cannot be inferred from the grand level. And hence historical process-tracing is the preferred methodology of neoclassical realism. Also, only if there is a deviation from external constraints as postulated by neorealism that neoclassical realist begin to investigate the domestic process and possible domestic intervening variables. Second, neoclassical realists do not provide a set of fixed “intervening variables” which vary from one scholar to another and neoclassical realist scholars may choose from a range of possible intervening variables, or a combination of them, in trying to best explain a certain phenomenon. Third, neoclassical realism “domestic power structure-leadership perception” model allows a possible interplay between the different level of politics (system level, state level and individual level) whereas Allison’s three models are monolithic and parsimonious

¹⁵¹ See Allison, 1972.

and hence are incompatible with each other in explaining a certain political phenomenon or deviation of policies.

2.9 Conclusion

To conclude, the “domestic power structure-leader’s perception” model of neoclassical realism could potentially be the most useful in explaining Indonesia’s changing policies with regard to its human rights policies. This is because neoclassical realism has the potential to take into account the role that intermediate powers, and a third world state like Indonesia, can play in their relations with the greater powers. Neoclassical realism is also not a grand theory of politics which predicts a long term view of political phenomenon but rather a theory of policy analysis in which its usage is suited to specific times and places, such as in Indonesia’s change of policies from the period of 1945 up to the present time. Finally, the flexibility found in neoclassical realism analysis in choosing the most influential intervening variables, such as domestic power structures or leaders’ perceptions, allows it to have the potential to explore Indonesia’s specific context. In the following chapters the three variables (independent, intervening and dependent) of neoclassical realism will be used to analyse Indonesia’s human rights policies at four stages within the periodisation of post-WWII Indonesian history from the time of independence to the present day.

CHAPTER 3

Human Rights and Sukarno's Leadership and Policies: 1945-1966

3.1 Introduction

This chapter is the first historical case study of the development of Indonesia's human rights policy during the early stages of post-World War II (post-WWII) Indonesia, with special reference to the applicability of neoclassical realism "domestic power structure-leader's perception" model to Indonesia's policy-making. This chapter presents a historical survey of Indonesia's Sukarno period to test the model in analysing Indonesia's human rights policy. It questions why Indonesia seemed to attach great importance to Western democracy and human rights discourse in its early inception, particularly during early 1945 to 1955 and why Indonesia then denounced Western democracy and human rights discourse during the period of 1956 to 1966. To explain the possible shift posed in the questions, this chapter will firstly discuss the neoclassical realism model. Then it will proceed to apply neoclassical realism in this case study followed by a conclusion. The case study presented in the form of historical survey can be divided into two phases of Indonesia's policy transformation: the national struggle between 1945 and 1950, and Indonesia's practise of democracy from 1950 to 1966.

In the first phase (1945-1950), a brief explanation of the external environment will be presented to assess the constraints and opportunities for Sukarno's leadership during the early stage of Indonesia's independence as well as the foundation of Indonesia's human rights policy. Given the limitations of neorealism to provide a full explanation of Indonesia's foreign policies with human rights implications in this phase, neoclassical realism will be explored through the intervening variables of "domestic power structure" and "leader's perception". The last discussion will provide an assessment of the applicability of neoclassical realism in Indonesia's case during this phase.

The second phase (1950-1966) explores the changes in Indonesia's external environment and the interactions with domestic politics, as well as the implications for

Indonesia's human rights policy. This part of the chapter analyses Indonesia's chosen policy and the implications of the interactions between the independent variable (external environment), and the intervening variable (domestic environment) for the outcome of Indonesia's external human rights policies during the period when Indonesia as an independent state already had a functioning policy under "Parliamentary Democracy," and "Guided Democracy". It also explains the reasons behind Sukarno's denunciation of Western human rights discourses after Indonesia had previously implemented them.

3.2 Neoclassical Realism "Domestic Power Structure-Leader's Perception" Model

In this chapter, the neoclassical realism model will be used to explore: 1) why Indonesia, in the beginning, decided to embrace the Western discourse on human rights; 2) why, from 1955, it chose to introduce a third world version of human rights despite the existence of the 1948 UDHR; and 3) why Sukarno's human rights policy seems to be at odds with the Western discourse on human rights, particularly during the 1957-1965 period. Such questions are crucial as Indonesia, though initially adhering to the UN 1948 UDHR, had not previously indicated strong human rights roots as understood in the Western sense. The research explores the extent to which these policy developments can be explained by the interplay of Indonesia's external and internal environments, as expected by neoclassical realism.

As in neorealism analysis, the external/structural constraints and opportunities faced by Indonesia at the time will be the primary focus. The constraints and opportunities here can firstly be seen in terms of the relations among major powers: the UK and US' relations with their allies, namely the Netherlands, and the rivalry between the US, PRC and USSR. Secondly, it can be seen in the changing relative power capabilities of the major powers: the demise of the British Empire, the establishment of the US and USSR as superpowers, and the rise of the PRC. Finally, constraints and opportunities also can be found in the relations of the major powers with Indonesia: the UK and the Netherlands' non-compromising behaviour towards Indonesia, the US' changing positions towards Indonesia at various times, and Indonesia's relations with the USSR and PRC.

Unlike neorealism, neoclassical realism does not assume that external constraints or opportunities directly translate into policy but, rather, they are first filtered by domestic (internal) and individual variables. Here, domestic variables are comprised of domestic power structure and leaders' perceptions as the possible intervening variables. Domestic power structure can be conceived as the internal structure in which state institutions, elites and societal actors within society operate in affecting policy choices. In complementing the domestic power structure variable, the perceptions of leaders, especially those leaders who managed to become the most influential figures in Indonesia's domestic power structure, also will be presented. Consequently, in contrast to neorealism, neoclassical realism allows for an explanation of policy choices that takes into account the role of domestic power structures and leaders' perceptions in interpreting external factors.

In this regard, neoclassical realism theory may be useful in explaining whether Indonesia's behaviour displays an anomaly or a deviation from neorealist assumptions. During the first phase (1945-1950), if seen from neorealism's perspective, Indonesia's nationalist group, as a political entity, was faced with high external pressure from Western powers (as part of the systemic constraints of a pro-colonial international system dominated by Western powers) to accept its pre-WWII status as a Dutch colony in the East Indies. This means, according to neorealist assumptions, Indonesia should remain as a Dutch colony, a position endorsed by a majority of Western powers at the time, despite Indonesia's proclaimed de-facto independence, and such a condition can be interpreted as Indonesia's nationalist group's bandwagoning behaviour with the Western powers should Indonesia have chosen to do so. Yet, Indonesia's history showed that Indonesia's nationalist group displayed behaviour which was against such assumptions of neorealism and pursued, instead, a creative balancing strategy against the Western powers and their allies through the instrumental usage of democracy and human rights discourse for its national struggle and recognition of its independence cause. Here, the reason for Indonesia's anomalous/deviant behaviour, neoclassical realism posits, could be due to the effect of internal variables (domestic power structure and leader's perception) in affecting policy choices in response to its external constraints, hence validating neoclassical realism.

In the second phase (1950-1966), Indonesia as an independent state had faced a more balanced external environment during the Cold War. In this regard, after Indonesia gained its

full independence and was recognised by major powers in 1949, the battle for influence by the major powers during the Cold War had also been influential in Indonesia's policy choices. Indonesia, at this stage, faced a perplexing policy choice as Indonesia seemed to have expediently moved from bandwagoning with the Western bloc, symbolised by its pro-Western democracy practice and respect for human rights during 1950-1955, to balancing the Western bloc, as seen in its anti-Western democracy and human rights violations during 1956-1966. According to Indonesia's behaviour at this stage, Kenneth Waltz's claim that neorealism is a theory of international politics and not of foreign policy is most pertinent and highlights its shortcomings to providing a useful explanation.¹ Neorealism is restricted to "shape and shove" analysis since, despite the prominence of an external imperative, the actual policy choices are made by the states themselves and entail systemic punishments should those states wrongly choose policies.² Such a premise clearly shows neorealism's limitation in analysing Indonesia's abrupt shift in terms of policy choice. Neoclassical realism is more appropriate as a tool of analysis to discern Indonesia's policy shift as it allows for attention to be given to Indonesia's internal domestic power structure and its leaders' perceptions, which may have been influential in affecting Indonesia's abrupt shift in human rights policy. Accordingly, Indonesia's defiant behaviour during "Guided Democracy" to go against the Western powers and to confront their spread of "free world" democracy and human rights can, again, be traced through the neoclassical realism approach.

3.3 1945-1950: National Struggle and the Foundation of Indonesia's Human Rights Policy

This section explores Indonesia's external and domestic environment which was perceived and interpreted by decision-makers during the national struggle and state-making stage. It examines the systemic constraints faced by Indonesian nationalist leaders and how, during the post-WWII period, leaders developed their conception of the state and their early understanding of human rights. It also discusses the adjustment process after contact had been made with the external version of human rights that was foreign to Indonesia. Then it will explore the historical narrative from the neoclassical realist perspective and consider whether

¹ Legro and Moravcsik, 1999, op.cit., p. 28.

² Waltz, 2008, op.cit., pp. 53-4.

the interplay between the external and internal factors indeed explains Indonesia's policy shift or continuation.

3.3.1 The State Making Process

After the Japanese surrendered in August 1945, the international system was in a transitional phase from a colonial structure to a decolonised one and this continued from the ending of WWII to the beginning of the Cold War.³ The allied forces, at this stage, began reclaiming Japanese-occupied territories inclusive of the previously occupied Dutch-Indies by disarming the Japanese troops in the area.⁴ In South East Asia this process was assigned to the British forces under Admiral Mountbatten of the South East Asian Command (SEAC).⁵ Here, great colonial powers seemed determined to retain their colonies.⁶ Yet, former colonies were also provided with an opportunity for their national struggles within the Cold War's ideological battle (communist versus non-communist) in the sub-region, symbolised by the first Indo-China war in Vietnam.⁷ As Indonesia was a former Netherland's colony, only to be replaced by a brief period of Japanese military rule (1942-1945), the Japanese defeat had opened up an opportunity for the Indonesian nationalist group to pursue its right to self-determination against the return of colonial power.

In this context, Sukarno, as the most revered figure in Indonesia's nationalist struggle, alongside a group of nationalist leaders at the time, used the opportunity to initiate Indonesia's proclamation of independence from its former status as a Dutch colony on 17 August 1945. Sukarno's charisma and influence rose above the rest because his qualities are vital for Indonesia's struggle especially as Indonesia during the period relied heavily on the "solidarity makers" type of leaders instead of the "administrators" to cultivate a sense of unity and nationalism.⁸ Soon after, Indonesia's organisation of the state was established based on UUD 1945. Sukarno was unanimously appointed by the *Komite Nasional Indonesia Pusat* (KNIP) as the first President of the Republic of Indonesia and Muhammad Hatta, a Dutch

³ See Reinhardt, 1971 and Panitia Penulisan Sejarah Diplomasi Republik Indonesia (Buku I), 1996, p.106 &129.

⁴ See Wolf Jr, 1948, p.18.

⁵ See Yahuda, 1996, p.21.

⁶ Wolf Jr, op.cit., p.15.

⁷ Yahuda, op.cit., p.3 & 31.

⁸ See Feith, 1962, p.34, pp.113-8.

educated scholar as well as Sukarno's close adviser, became Indonesia's first Vice President.⁹ The KNIP was a body that originated from Japanese's sponsored body known as *Badan Penyelidik Usaha Persiapan Kemerdekaan Indonesia* (BPUPKI) or *Dokuritsu Junbi Chōsakai* and it was a symbol of Japanese collaboration with Sukarno and Hatta.¹⁰ The BPUPKI, a body set up to prepare for the possibility of Indonesia's independence, facilitated a number of Sukarno's views and perceptions, such as the formulation of *Pancasila* (national ideology) and Sukarno's input on the formulation of UUD 1945 as Indonesia's first state constitution. Later, the BPUPKI was transformed into *Panitia Persiapan Kemerdekaan Indonesia* (PPKI) and then into KNIP as Indonesia's first parliament.¹¹

In formulating the UUD 1945, the July 1945 session of a BPUPKI meeting showed the two main streams of opinion which had surfaced with regards to human rights. The first stream was Sukarno and Raden Supomo's line of argument which favoured an 'integralistic/organic' concept of the state for Indonesia. Supomo was a legal expert who later became the appointed Minister of Justice within Sukarno's presidential cabinet in 1945. In their traditionalist view, the Indonesian state-society-individual relationship should be harmonious since the state is viewed as a natural extension of society, and the society is a natural extension of the individual. Hence, the state, society and individual are not viewed to be in conflict with each other as one does not violate the other and, thus, individual protection is not deemed necessary.¹² Sukarno and Supomo also argued that the unitary state should be a centralised one and the practice of democracy and respect of human rights should also take into consideration the importance of indigenous norms. According to them, this could be done through the incorporation of the traditional/cultural concepts of *Keluargaan* (family values), *Musyawaharah* (consensus/deliberation) and *Gotong Royong* (traditional concept of working together to attain a certain goal) within the democratic framework of the republic instead of one form of rights competing against or replacing another.¹³

The second stream was Hatta and Muhammad Yamin's more westernised opinion. Like Supomo, Yamin was another legal expert who would later serve as Minister of Justice.

⁹ See Reid, 1974, p.30.

¹⁰ See Kahin, 1952, p.121.

¹¹ Reid, 1974, op.cit.

¹² See Asshidiqqie, 2008, pp.13-6.

¹³ Ibid.

Yamin was more vocal than Hatta in the debate as he said that the constitution (or the UUD 1945) needed to have an explicit guarantee of human rights.¹⁴ The absence of such a guarantee, according to Yamin, would be a “*Grondwettelijke fout*” or mistake in the basic norm (constitution) and this would be a grave sin for the Indonesian people as they had suffered in their struggle against colonialism in order to have their rights acknowledged.¹⁵ Hatta, like Yamin, stressed the importance of at least an article in the UUD 1945 which would accord people the right to voice their aspirations.¹⁶ According to Hatta, the government established in Indonesia should have a limitation of authority over the executive, a more decentralised government and a more explicit individual human rights guarantee to be inserted in the UUD 1945.¹⁷ Hatta was also critical in his perception of the political rights of the Indonesian citizens by stating that every individual was equal in rights and they should be allowed to protest against unjust regulations.¹⁸

This resulted in the compromise where human rights were implied in the UUD 1945 but with the domination of Sukarno and Supomo’s line of arguments which favoured a feudalistic-authoritarian governing system.¹⁹ It is important to note that Sukarno had an anti-Western tone, especially towards the inclusion of individual protection of human rights, particularly civil and political rights, in Indonesia’s UUD 1945 constitution. Sukarno held the view that a state based on family values such as cooperation and harmony would be preferable for Indonesia.²⁰ For example, Sukarno stated that:

Respectable gents! We demand social justice....if we want to truly make the foundation of our state rested on family values, the service of one another, *gotong royong* ideology, and social justice then abolish each thought, each individualism and liberalism thought from them. ²¹

¹⁴ See “Muhammad Yamin, Pelopor Hak Asasi Manusia di Awal Republik”, 2 September 2009.

¹⁵ Ibid.

¹⁶ See Yamin, 1959, hal. 296-7.

¹⁷ Ibid.

¹⁸ See Feith and Castles, 1970.

¹⁹ Assidique, 2008, op.cit., pp.14-8.

²⁰ Lubis, 1993, op.cit., pp. 78-9.

²¹ Ibid and See Arinanto, 2003, p. 8. (Unofficial translation made by the researcher).

Consequently, the human rights clauses and protections included in UUD 1945 appeared to be symbolic as a result of the compromise reached earlier and the urgent manner in which the constitution was formed.²² For example, human rights for Indonesian citizens were mentioned in the UUD 1945 from Articles 27 to 34, encapsulating freedom of religion, rights to associate and assemble, educational rights, rights to equal treatment, economic rights and others.²³ However, according to UUD 1945, only rights which were considered to benefit the collective or society in general would be granted protection by the state. This left liberal-individualistic rights to be regulated by weaker legal institutions such as the parliament or the government, or simply to be rejected. Article 28 of the original formulation of the UUD 1945 was illustrative of such points, including freedoms of expression, assembly and association, which were rooted mainly in the Western tradition. However, they would not be granted constitutional protection and could only be protected by law if passed by the legislature or the executive.²⁴

Also important to note is that, due to the domination of Sukarno and Soepomo in the original formulation of the UUD 1945 and the warring condition in which the state was formed, Indonesia was initially a unitary state with a strong presidential system that was derived from an “integralistic/organic” state concept which embodies the President as the father-figure of the nation. This means that, although there were democratic institutions and the separation of powers of the executive, the legislative and the judiciary, the President’s position, according to UUD 1945, was privileged with an overriding dominance over other state apparatuses and institutions in order for the President to have complete manoeuvrability over state decision-making processes in a state of emergency.²⁵ Thus, based on the UUD 1945, the making of policies was exclusively at the President’s disposal with almost no significant hurdle from his domestic constituents, as demonstrated in Indonesia’s early presidential-cabinet system.²⁶

²² Indonesia’s 1945 constitution is incomplete and vague due to the swift manner in which it was created in Liddle, 1999, pp.4-5.

²³ Suny, 2004, op.cit., pp.1-14.

²⁴ Asshidiqqie, 2008, op.cit., p.18.

²⁵ The President, for example, can issue a decree to disband the legislative assembly in a state of emergency. The idea behind such overriding power of the executive was due to the “instant” formulation of the UUD 1945 due to the state of emergency (state of war with the Allied and the Netherland’s forces) in maintaining independence.

²⁶ Uhlin, 1997, op.cit., pp.34-5.

3.3.2 The Contact with the Western Powers

In spite of Indonesia's unilateral proclamation of its independence and the early development of Indonesia's domestic politics, the Netherlands and the major powers (the UK and US) initially did not recognise Indonesia's sovereign status or its leaders. Indeed, after the August 1945 proclamation, UK forces arrived in the East Indies in September 1945 to reinstate colonial authority.²⁷ Although the UK managed to carry out its mission to dismantle the Japanese troops and release the prisoners of war with considerable success, they failed to maintain an orderly transition for the Netherlands to reinstate its East Indies colony.²⁸ When the UK finally transferred control to the Netherlands under the Netherlands Indies Civil Administration (NICA), the nationalist resistance continued to be a problem.²⁹

In order to curb the situation, NICA had to apply two "policing" actions against the Republican forces: one in July 1947 and another in December 1948.³⁰ The "policing" action was a way for NICA to launch a covert military campaign against the Republican forces to avoid any external interference. Hence, the term "policing" was used to make the world community believe that the clash between NICA and the Republican forces was an internal civil-strife situation within the Netherlands' colony and an internal NICA matter which could be solved through NICA's police institution. The real reason for such "policing" actions, however, was to annihilate the republican–nationalist forces and to force the Indonesian sovereign entity into complete submission.³¹

In accompanying such a strategy, NICA also declared to the international community that the new Republic of Indonesia was a Japanese puppet state while its leaders were Japanese collaborators and, hence, Indonesia's self-proclaimed independence should not be recognised by the international community.³² According to such accusations, recognising the

²⁷ Yahuda, 1996, op.cit., p.30.

²⁸ Wolf Jr, op.cit., pp.20-5.

²⁹ Ibid, p.20.

³⁰ Panitia Penulisan Sejarah Diplomasi Republik Indonesia (Buku I), 1996, op.cit., pp.164-171.

³¹ The Netherlands' actual military operation was disguised under the names of "operatie product" and "operatie Kraie" in Kahin, 1952, op.cit.

³² In 1945, Dr Hubertus J. Van Mook, the Lt. Governor General of the Netherlands Indies advised Admiral Mountbatten of the British Forces that "*it is obvious that this republican movement (Indonesian nationalist movement) is a restricted one and that its pattern is dictatorship after the Japanese model*" in Wolf Jr., 1948, p.10.

Republic of Indonesia's independent status would be counterproductive to the interests of Western powers in the region as Indonesia was prone to becoming a fascist regime.³³ Such accusations managed to influence the UK and US to become the Netherlands' main allies as demonstrated in their refusal to engage Sukarno and Hatta in negotiations.³⁴ In complementing such a strategy, NICA also attempted to create its own puppet federal state within Indonesia's claimed territory, *Negara Pasundan* and *Negara Indonesia Timur*.³⁵

At first, Indonesia tried to maintain its sovereignty through military means. However, as the combined military power of the UK and the Netherlands was overwhelming for Indonesia's sporadic guerrilla attacks, Indonesians began focusing their strength on negotiating strategies. In this regard, Sutan Syahrir became an important figure for Indonesia's nationalist struggle. Syahrir was a Dutch-educated intellectual, anti-Japanese and the initiator of the *Partai Sosial Indonesia* (PSI). Syahrir, who had a sympathetic perception of Western powers, for example, managed to persuade Sukarno and Hatta that Indonesia had to cater to some extent to the Netherlands and Western power interests as Syahrir was once noted to have said "Without allies we in Indonesia cannot maintain our existence...This is where the real political possibility of cooperation with the Netherlands lies..."³⁶

Thus, in order to negotiate with NICA, Syahrir recommended that the presidential cabinet headed by Sukarno and based on UUD 1945 be disbanded and that KNIP should form its own cabinet with the head of KNIP (Syahrir himself) as the head of government to lead the negotiation process.³⁷ Sukarno and Hatta, as the appointed President and Vice President within a presidential cabinet system and the central power holders based on the UUD 1945, agreed to Syahrir's demand since Syahrir was the acceptable figure for negotiations for NICA and the major powers. This agreement resulted in crucial domestic changes.³⁸ In agreement

³³ See Caldwell and Utrecht, 1979, pp.72-5.

³⁴ Sukarno and Hatta demanded that the British forces cooperate with the republican forces in disarming the Japanese, and they demand that no Dutch soldier be incorporated within the allied troops. British forces did not agree to such demands in Wolf Jr., 1948, op.cit.

³⁵ Feith, 1962, op.cit., p. 12.

³⁶ Syahrir's Letter Dated March 25, 1938" in Syahrir, 1969 and Syahrir's article titled "The American Orbit" in Feith and Castles, 1970, op.cit.

³⁷ See Rose, 1987, p.130

³⁸ The Dutch will negotiate with Syahrir but not with Sukarno, as Sukarno is viewed by the Dutch as 'persona non grata' and 'anti-West' and the allies were looking for 'clean' Indonesians (not a Japanese collaborator) and later, after Syahrir had become Prime Minister, the Dutch opened a channel for negotiations as demonstrated by the Linggarjati negotiations in Mrazek, 1994, p.273 and pp.294-5.

with Syahrir, Sukarno said that “we set up the Republic because we love democracy...in that we raise our voice to the democracy-loving nations and to nations which have the responsibility in world peace, so that the Republic can be recognised.”³⁹ Hatta and Syahrir then remodelled Indonesia’s domestic environment based on Western democratic systems (the Netherlands parliamentary system in particular) to address the Netherlands’ accusation.⁴⁰

Hatta and Syahrir advocated for the establishment of democratic institutions through two crucial political manoeuvres which would alter Indonesia’s domestic power structure by establishing a parliamentary cabinet, headed by Syahrir, to replace the presidential cabinet headed by Sukarno. The first was a presidential decree known as *Maklumat X* signed by Muhammad Hatta in October 1945, in Sukarno’s absence. The decree indicated the government’s approval of party politics and party dynamics in the parliament and encouraged the creation of new parties.⁴¹ The second was Syahrir’s “silent coup” in November 1945 which suggested that the members of the parliament of Indonesia should no longer be appointed by the President but they should, instead, be proposed by the parties and thus would provide the parliament with legislative powers.⁴² This manoeuvre also catapulted Syahrir’s position as the head of the parliament (KNIP) above Sukarno and Hatta, as he would then be appointed as the first Prime Minister (a government position that was not mentioned in the UUD 1945), to spearhead negotiations with the Netherlands and Western powers.

As Prime Minister, Syahrir’s perception was influential at this stage. Regarding the major powers, Syahrir said:

Indonesia is geographically situated within the sphere of influence of Anglo Saxon capitalism and imperialism... [There exists] the possibility for us to obtain a new position which fits in with the wishes of the mighty Pacific power of the USA.⁴³

³⁹ See Sukarno’s speech in Sukarno, 1946.

⁴⁰ Hatta and Syahrir, in this regard, managed to convince the US foreign emissaries in Indonesia that they had a pro-Western stand, as the Indonesian nationalist struggle was positively viewed by the US envoy as “reasonable, intelligent, compatible” in Gouda, 2002, pp. 30-2.

⁴¹ Rose, 1987, op.cit. p.299

⁴² See Anderson 1972, p.187 and Reinhardt, 1971, op.cit.

⁴³ See Syahrir, 1968.

The US had provided the Netherlands with \$US506 million assistance as part of the Marshall Plan.⁴⁴ In contrast to the UK's declining major power status, the US Marshall Plan, in supporting post WW-II Europe in general and the Netherlands in particular, indicated the increasing power status of the US and its influence worldwide. Syahrir's decisions brought Indonesia closer to the interests of the colonising powers and the major powers.

In response, a number of leftist Indonesian leaders viewed such pro-West concessions given by Sukarno, Syahrir and Hatta as a betrayal of the Indonesian revolution by conceding too much to the colonial powers' demands. Tan Malaka, a leftist figure who revived the *Partai Komunis Indonesia* (PKI) after the party was heavily suppressed during Netherland's rule, wanted the newly born republic to avoid any collaboration with the imperialist and capitalist Western Bloc states, and instead encouraged and invited the support of Eastern Bloc states for Indonesia's independence.⁴⁵ He then created the *Persatuan Perjuangan* (United Struggle Front/popular front) to challenge the central government in 1946 by demanding that Syahrir, as the Prime Minister, step down. Tan Malaka, for example, was quoted to have said that "...the struggle until the departure of the last enemy was replaced by a tactic of concessions in order to make peace with the enemy."⁴⁶ Tan Malaka's strong resistance, though subdued, ultimately led to Syahrir's stepping down as Prime Minister in 1946.

Later on, when Hatta served as Prime Minister in 1948 after Amir Syarifudin's resignation (Amir Syarifudin was the successor of Syahrir as Prime Minister), another leftist figure named Musso, as the head of PKI, would further pose challenges to Hatta's policy by making the Madiun city in East Java "Indonesia's Moscow".⁴⁷ Such a move was viewed as the movement's preference for Indonesia to align itself with the USSR. Musso demanded that Sukarno and Hatta, who he referred to as "slaves of Japanese and Americans," should step down, only to be replaced by him as the President and Amir Syarifudin as Prime Minister. However, the movement was unsuccessful as Hatta, who was the Prime Minister after

⁴⁴ Anderson, 1972, op.cit., p.33

⁴⁵ See Malaka, 1948.

⁴⁶ Ibid.

⁴⁷ See Swift, 2010, pp.65-8 and Rose, 1987, op.cit., pp.243-5.

Syahrir, ordered a military crackdown to neutralise the rebellious movement and Musso was killed during the process.⁴⁸

3.3.3 The Success of Maintaining Independence and Human Rights

Such domestic developments within the republic had tremendous repercussions for the policies of Western powers as the US would now view Indonesia's domestic adherence to Western human rights and democracy discourses as legitimate and began to view Indonesia as a potential democracy and ally which needed to be defended against the Netherlands' aggression.⁴⁹ This can be seen in the Congress of Industrial Organisation (CIO)'s letter to the US State Department in referring to Indonesia's national struggle as a "quest for democratic self-rule".⁵⁰ Meanwhile, US Congress also began pressuring the White House to sanction the Netherlands' aggression against the republic. US Congressman, Senator Morse, pressured the Netherlands on the grounds that:

We necessarily thereby have been helpful to the Dutch government in carrying out its violations of what I consider to be one of the most basic principles of the UN Charter, the pledge that we would seek at least to protect the interests of the people in the world who sought to make a fight for freedom as we believe in freedom.⁵¹

Meanwhile, during the period of 1946-1949, the US government was also applauding Indonesia's nationalist movement successes in subduing the leftist movements of both Tan Malaka and Musso. After the nationalist group's ability to overcome the leftist movements and after the second NICA's policing action in 1948, the US began to think that if they had not sided with the Indonesian nationalist group then there would have been an open possibility for Indonesia to fall to communism, as had happened in Vietnam.

⁴⁸ Ibid, Rose, p. 244.

⁴⁹ Congressional Record, XCV, 58 (April 6 1949) in Panitia Penulisan Sejarah Diplomasi Republik Indonesia (Buku I), 1996, op.cit., pp. 4877-8 & 200.

⁵⁰ New York Times, December 23, 1948 in Ibid.

⁵¹ Feith, 1962, op.cit., pp.43-5.

Yet at almost the same time, in December 1948, the UDHR was established by the UN in an attempt to prevent the repetition of the human tragedy of WWII.⁵² The UN declaration was an important document because its existence had made Indonesian leaders also consider the issue of human rights as a means to an end.⁵³ For example, Sukarno and Soepomo had changed their perception of human rights after the establishment of the UDHR. Sukarno and Soepomo saw this as an opportunity for Indonesia's independence to be acknowledged by the world at large and thus they had become more progressive in accepting such human rights.⁵⁴ Such a change in perception had also strengthened Syahrir's negotiating and compromising strategy with the Netherlands and Western powers because Indonesia was now a definite democracy-in-the-making, as suggested by its support for the UDHR.⁵⁵

As a result, by late 1948, after the second NICA policing action, Indonesia's domestic manoeuvres had successfully facilitated the US position to become favourable towards recognising Indonesian sovereignty. This could be seen in Indonesia's rising status as an independent and sovereign entity, which was increasingly being recognised by the colonial powers, as demonstrated by the agreements held between the Netherlands and Indonesia with Western powers' involvement.⁵⁶ Under heavy pressure by the international community, including the US, the Netherlands was finally forced to transfer sovereignty to the nationalist group.⁵⁷ In 1949, for example, the US was making significant reductions to the amount of financial aid provided to the Netherlands, and the Netherlands had little choice but to agree to settle matters with Indonesia's nationalist group through peaceful means.⁵⁸

However, despite Indonesia's rising status and the possible transfer of sovereignty, the Netherlands managed to influence Indonesian leaders to formally abandon its original UUD 1945 and such influence was cemented in 1949 through the Round Table Conference (RTC) Agreement in The Hague.⁵⁹ Such continuing external influences manifested in the

⁵² "Universal Declaration on Human Rights: History of the Document" in n.d., UN Website.

⁵³ Asshidiqie, 2008, op.cit., p. 17.

⁵⁴ Ibid.

⁵⁵ The writing of Indonesia's 1949 RUSI Constitution in light of the Round Table Agreement had maintained the UDHR 1948 articles almost in their entirety (p.98) and the reasoning was for practical ends by which it was expedient for Indonesia at the time to adopt a Western constitutional form in Feith, 1962, op.cit., p.43.

⁵⁶ As seen in Indonesia's rising status during the Linggarjati, Renville, Hoge Veluwe and RTC agreements.

⁵⁷ Reinhardt, 1971, op.cit., p.33.

⁵⁸ Ibid.

⁵⁹ Ibid.

Netherland's push for the creation of a combined government structure between the Republic of Indonesia and the Kingdom of the Netherlands known as "Uni Indonesia-Netherland". This resulted in a condition where Indonesia must agree that its constitution be approved by both sides as part of the transfer of authority requirements mentioned in the 1949 RTC Agreement. Once again, Indonesia under Prime Minister Hatta agreed to the granting of domestic concessions to the Netherlands and Western powers. This is shown in Indonesia's formal abandonment of its UUD 1945 and the introduction of the new UU RIS 1949, or constitution of the *Republik Indonesia Serikat* (RIS), which was formulated by a combined "Uni Indonesia-Netherland" government.⁶⁰

As Indonesia's further concessions demonstrated, the Netherlands was able to influence the sovereignty of the Republic of Indonesia in two ways.⁶¹ Firstly, as part of the 1949 RTC Agreement, the Netherlands forced the Republic of Indonesia to incorporate a form of federalism and a Western-democratic system into the sovereign entity of Indonesia.⁶² This was exemplified in Indonesia's agreement to make a change in the structure of the state from the Unitary State of the Republic of Indonesia, based on UUD 1945, to the Republic of the United States of Indonesia (RUSI) as a form of federalism and part of the consequences in adopting the UU RIS 1949.⁶³ Secondly, the Netherlands left the issue of West Papua (also known as Western New Guinea by the Netherlands and UK) to be settled in due course, which implied that not all of the former Netherland-East Indies territory was immediately given to the RUSI. The agreement stated that New Guinea would remain *status quo* (under the Netherland's rule) and the Netherlands and Indonesia would settle the matter peacefully within a year after the signing of the agreement.⁶⁴

⁶⁰ Hatta's decision to let the 1949 constitution be drawn up in the Round Table Conference with the Netherland in Kahin, 1952, op.cit., pp. 431-3.

⁶¹ This was evident after the US and Britain had become active in the Indonesia-Netherland conflict by co-sponsoring the Linggarjati, Renville and Hoge Veluwe agreements. Although these powers managed to pressure the Netherland, they seemed to agree with Netherland's demand that Indonesia also needed to convince them that it was indeed a pro-democracy in Reinhardt, 1971, p.34.

⁶² Such Netherland's attempts can be seen in the demands made by the BFO or the Netherland-created federal units in forcing a form of federalism into the discussion between Indonesia's Muhammad Hatta and BFO representatives at the Inter-Indonesia conference held in July 1949, before the Round Table Conference in Rose, 1987, op.cit., pp.258-9.

⁶³ See Panitia Penulisan Sejarah Diplomasi Republik Indonesia (Buku II), 1996, pp.45-8.

⁶⁴ See Final Excerpt of 1949 Round Table Negotiations in Ibid, Buku I, pp.769-74.

By agreeing to such terms, Indonesia's domestic human rights policy was significantly changed. In particular, the 1949 RIS constitution was equipped with significant provisions based on Western individual protection of human rights as part of the Netherlands' *de facto* and *de jure* recognition of the RUSI. This created the first shift in Indonesia's human rights policies from the ones sourced by the UUD 1945 to the ones based on the new UU RIS 1949 which was more democratic and liberal, with a constitutional guarantee of civil and political rights protection as understood in the Western sense. In practice, due to the abandonment and, later, replacement of UUD 1945, human rights during the 1945-1949 period was highly respected because Sukarno (as the President) and Syahrir, Amir Syarifuddin and Hatta (as consecutive Prime Ministers) were endorsing Indonesia to become a democracy. This can be seen in their concerted efforts for the establishment of numerous political parties during the period, with freedoms of association, expression and to demand changes guaranteed by the newly formed state.⁶⁵

3.3.4 Neorealism and Neoclassical Realism Analysis

During this phase, according to neorealism assumptions, the external constraints provided mostly by hegemonic powers would be translated automatically to foreign policy because domestic environment was treated as a "black box".⁶⁶ This means that the national interests of states are determined by the systemic structure, since the primary interest of states will be to seek ways to survive within the given power structure of the system. Neorealism also assumes that states, as a unit, behave in a logical and rational manner and that, even though states are left to their own discretion in deciding policy options, namely to balance or to bandwagon, they will be punished by the system if they opt wrongly in responding to systemic constraints.⁶⁷

However, Indonesia's state status at the time fitted with the characteristics of the state-building stage of a third world country and former colony due to the "unstable, dangerous, and often fatal nature of the international and domestic political environment"⁶⁸

⁶⁵ See Marzuki, 2011, pp. 7-9 and Sukarno's Speech in Sukarno, 1950.

⁶⁶ Waltz, 2008, op.cit., pp. 118-21.

⁶⁷ Ibid, p.126.

⁶⁸ David, 1991, op.cit., pp.239-40.

that it faced. In this environment, “the state is especially vulnerable because many different groups and individuals seek to control it”.⁶⁹ Hence, neorealism’s assumption that states behave rationally and as a unitary actor was challenged by the existence of severe divisions and groupings in the East Indies territory, between Indonesia’s republican-nationalist group on the one hand and the Dutch colonial state on the other which were still competing in terms of authority, legitimacy and the monopoly of violence.⁷⁰ In this respect, neoclassical realism is more applicable to Indonesia’s condition as it has the potential to analyse the state in its formation stage through the opening of the “black box” in its analysis, as well as retaining a strong focus on the importance of external factors. Thus neoclassical realism can accommodate a third world state’s condition in which third world leaders not only face external but also internal threats and hence have to consider both.⁷¹

In short, within the given external power structure, neorealism can only suggest that Indonesia could either accept its status as a Netherlands colony (by bandwagoning), as in the cases of Malaya and Singapore as UK colonies, with the hope that independence will be gradually given, or pursue its independence cause against the UK and Netherlands’ colonial forces (by balancing) which would bear heavy consequences. The consequences of Indonesia’s early balancing act was disastrous, as demonstrated by the republic’s military defeats shown in the UK-republican military clashes of 1945-1946 and the two Netherlands-republican military clashes in 1947 and 1948. Yet, Indonesia seemed to engage in another balancing strategy to maintain its independence and was not punished by the system but instead rewarded with independence recognition in 1949.

By incorporating neorealism’s emphasis on systemic constraints, neoclassical realism’s “domestic power structure-leader’s perception” model and Steven David’s “omnibalancing” analysis provide more insightful approaches to the Indonesian context. Here, the external constraints faced by Indonesia at the time were the military pressures of Western powers and NICA to force Indonesia to accept its status as a colony of the Netherlands and their accusation of Indonesia’s potential as a Japanese puppet state should independence be pursued. In responding to such constraints, a combination of bandwagoning

⁶⁹ Ibid.

⁷⁰ Ayoob, 2002, op.cit., pp.42-5 and 1991, pp.266-7.

⁷¹ Lobell, 2009, op.cit., pp.43-4.

and internal balancing seems to have been applied through Indonesia's appeasing and emulating strategies, rather than a simple bandwagoning behaviour as normally displayed by weak states in dealing with great powers. Appeasing/aligning refers to the condition where the "state brings its policies into close cooperation with another state in order to achieve mutual security goals"⁷² while emulating a means to voluntarily imitate the governing practice of the stronger powers.⁷³

This resulted in a form of internal balancing behaviour through appeasement of a secondary threat (the US) so that Indonesia could focus its resources on its primary threat within its domestic environment (NICA) in order to acquire independence recognition.⁷⁴ This can be seen in Indonesia's attempt at disassociation from the Japanese, intended to show that Indonesia was indeed a democracy-in-the-making. This was also demonstrated by the abandonment of the UUD 1945 and the establishment of a parliamentary cabinet with the position of Prime Minister, the crushing of two domestic communist movements, and the giving of concessions in the RTC agreement which were favourable to the Western powers' interests, particularly the US.⁷⁵ Indonesia's behaviour was also in line with Stephen Walt's neoclassical realist "balance of threat" argument where states do not balance against the most powerful but, instead, balance against the most threatening side.⁷⁶

From the perspective of neoclassical realism, such a deviation in Indonesia's domestic power structure (from a presidential cabinet system with less concern for human rights to a Western parliamentary system with more concern for human rights) can be understood as a deliberate domestic policy in response to external constraints that targeted an international audience to serve Indonesia's independence recognition interests. Such a strategy resulted in the first shift of Indonesia's human rights policy, as demonstrated by the abandonment of UUD 1945 to the adoption of the UU RIS 1949, especially as the UUD 1945 formulation might have promoted a fascist or feudal-authoritarian form of state.⁷⁷

⁷² Appeasing and aligning in David, 1991, op.cit., pp.235-6.

⁷³ Emulation as internal balancing in Taliaferro, 2006, op.cit., pp. 464-95 & 471.

⁷⁴ David, 1991, op.cit., pp. 235-6.

⁷⁵ Feith, 1962, op.cit., pp. 43-5.

⁷⁶ See Walt, 1997, p.157.

⁷⁷ Nasution, 2010, op.cit., p.5.

The reason that Indonesia pursued such a strategy can be traced using neoclassical realism's "leader's perception-domestic power structure" analysis. By analysing the condition of Indonesia's domestic power structure at the time, the research finds that the Indonesian state apparatus and institutions, party coalition and other domestic societal forces were not yet developed and were very loose, due to the early stage of Indonesia's post-colonial state formation, the imperfection of the UUD 1945 formulation (which was written in a hurried manner) and the existence of the state of emergency. Such domestic condition places whoever holds the top seat of the executive, either as the President or Prime Minister, in the driving seat of the whole state affairs, such as deciding on the forms of government and interpreting external constraints. This can be seen in Sukarno's preference for a Presidential cabinet to deal with the Japanese forces and Syahrir and Hatta's preference for a parliamentary cabinet to deal with the Netherlands forces. As a result of such personalised rule, leaders' figures and perceptions, particularly within the executive branch, became crucial intervening variables in deciding which policy to pursue, and the leader's perception of the state's relative power distribution within the state system and their personal view of human rights were the ones that mattered the most. Thus, Indonesia's human rights policy as part of Indonesia's strategy to engage the Western powers at the time was heavily reliant on the leaders' perceptions of whether the state was strong or weak in terms of relative power distribution, as well as the perceptions of leaders in endorsing traditional or pro-West human rights policy.

Such research findings are also reinforced by the tremendous impact of external constraints on Indonesia's loose domestic power structure and the formation of its leadership. For example, the success of the Netherlands in influencing Western powers to believe that Indonesia was a fascist state and Japanese puppet caused Sukarno's top position within the domestic power structure, as guaranteed by UUD 1945, to be severely weakened. This condition allowed the rise of Western-oriented figures such as Syahrir and Hatta to easily claim the head of government position as Prime Ministers, as Syahrir and Hatta were the acceptable democratic figures for the Netherlands and Western powers to negotiate with. This resulted in the dominance of Syahrir and Hatta's perceptions (inclusive of their human rights and democracy perceptions) over Sukarno in policy-making and it was their perceptions which mattered at this stage in deciding Indonesia's balancing or bandwagoning behaviour. Based on their perceptions, which were more Western-oriented than Sukarno, Syahrir and

Hatta then decided on an ‘appeasement and emulating’ strategy in engaging the Western powers.

Thus, it was mainly due to a combination of external and internal concerns and the existence of the UDHR that the concept of human rights, as understood in the Western sense, was utilised by the nationalist movement to serve the independence cause and was cemented in the adoption of the UU RIS 1949 to replace the UUD 1945.⁷⁸ This resulted in Indonesia’s short fling with Western human rights discourse, as demonstrated by the liberal democratic system and human rights clauses of the UU RIS 1949. Hatta and Syahrir’s chosen strategy also meant a victory for the rightist movements over the traditionalist and leftist proponents, and a victory over Sukarno’s strong presidential model as stipulated in the UUD 1945.

3.4 1950-1966: The Shift from Liberal to Guided Democracy

This section discusses Indonesia’s practice and later suspension of democracy during the 1950s and 1960s. The historical survey explores the changes in Indonesia’s external environment and domestic politics as well as their implications for Indonesia’s human rights policy. This section focuses on the interactions between the independent variables (of the external environment), and the intervening variables (of the domestic environment) and how they influenced Indonesia’s human rights policies during the period of Parliamentary Democracy and Guided Democracy.

3.4.1 A Liberal Indonesia

After Indonesia gained complete independence, the most significant turn of events in Indonesia’s external environment to have a direct impact on Indonesia was Mao Zedong’s success in establishing the PRC in October 1949. This event resulted in the rising PRC influence as well as the strengthening of the Communist Bloc’s presence in the region, with the PRC confirming its alliance with the USSR through a signed agreement in February

⁷⁸ Indonesia’s democratic adherence can be seen in Sukarno’s green light for Hatta’s Maklumat X and Sukarno’s compliance with the Syahrir-led KNIP’s proposal of adding its memberships and the provision of legislative powers during the Presidential cabinet in Kahin, 1952, op.cit., pp. 151-4.

1950.⁷⁹ The ramifications of such an arrangement could be immediately felt in the region as the proxy wars of the Cold War between the two blocs ensued. This is demonstrated by the Korean War (1950-53) and the first Taiwan crisis (1954-55).⁸⁰ At this stage, Indonesia's strategic importance to China was mainly due to Mao's perception of Indonesia as an "intermediate zone" (*zhongjian didai*) or part of a buffer between the two superpowers comprising of "many capitalist, colonial, and semi-colonial countries in Europe, Asia, and Africa".⁸¹ Sensing that the Communist Bloc might be strengthened by the PRC's establishment, the US under President Eisenhower decided to contain the spread of the communist influence in the region by applying "the containment policy" as stipulated in the Eisenhower Doctrine for South East Asia.⁸² The implementation of this policy was exemplified in a series of bilateral treaties and multilateral arrangements for security, namely the Australia, New Zealand and United States (ANZUS) treaty and the South East Asia Treaty Organisation (SEATO), with allies or potential allies in South East Asia and the Pacific siding with the US.

Such circumstances increased Indonesia's strategic position in the eyes of major powers. Following Indonesia's entrance to the UN, the battle of influence between the major powers (US and USSR) and the emerging power (PRC) also impacted on Indonesia's 'liberal' democracy which had begun in 1949 as the direct result of the RTC. As stated earlier, the concessions given by Hatta in the RTC agreement led Indonesia to adopt the Western-style UU RIS 1949 which was later changed to become the *Undang-Undang Dasar Sementara* 1950 (UUDS 1950). The UUDS 1950 was basically a symbolic replacement of the UU RIS 1949 as a sign of the Republic's discarding of the Netherlands' colonial influence on its constitution. The UUDS 1950, like the UU RIS 1949, was similarly adopted from the Western-European constitutional model with significant protection of individual human rights, particularly civil and political rights, and thus the Western human rights elements found in the UU RIS 1949 had remained in the UUDS 1950 under the "basic human rights and freedom" title.⁸³

⁷⁹ Yahuda, 1996, op.cit., p.24.

⁸⁰ Ibid.

⁸¹ See Zedong, 1933, p. 388.

⁸² Yahuda, 1996, op.cit.

⁸³ Uhlin, 1997, op.cit.

Under the 1950 UUDS Constitution, political parties and civil society in general enjoyed significant freedoms to associate, assemble or express their opinions and views, while protection of individual freedom and human rights was also guaranteed.⁸⁴ During this period civil society was blooming as the number of interest groups and independent associations was higher than in any other period in Indonesia's history.⁸⁵ The emergence of the multi-party system also allowed major parties to claim the parliament and major party figures to form cabinets. In such a new domestic power structure, Sukarno and Hatta, as the President and Vice President under the 1950 UUDS Constitution, respected the democratic "rules of the game" by not using coercive means to influence domestic political outcomes.⁸⁶ During the early developmental stage of liberal democracy, even the Muslim-dominated *Majelis Syuro Muslim Indonesia* or *Masyumi* party, as well as the PKI, had condoned the Western style of 'parliamentary' democracy since such a democratic system allowed them to be influential in government policy-making through the capturing of parliamentary seats.⁸⁷

In further developments, however, as Indonesia was a democracy and a possible ally, the US tried to entice Indonesia's parliaments and cabinets to support the US' "communism-containment" policy in Korea and Indochina.⁸⁸ Such attempts were particularly marked during the period of 1951-1952 through aid schemes. Firstly, there was the US-sponsored Japanese Peace Treaty incident where the cabinet under the leadership of Prime Minister Sukiman Wirjosandjojo, a figure from the *Masyumi* party, on behalf of Indonesia signed the treaty in 1951.⁸⁹ Secondly, there was the Mutual Security Act (MSA) in 1951. The MSA was basically a change of emphasis by the US in providing aid for defense support instead of economic aid for recovery to South East Asian nations. Covertly, Ahmad Subardjo, as Indonesia's foreign minister at the time, committed Indonesia to such an agreement.⁹⁰ The treaty required nations to commit themselves to the expansion of the democratic values and

⁸⁴ Bagir Manan refers to human rights development during this stage as a "honeymoon" phase because human rights were flourishing without being interfered with by government or state in Manan, 2001.

⁸⁵ Uhlin, 1997, op.cit., p.36.

⁸⁶ Feith, 1962, op.cit., p.241-3.

⁸⁷ Ibid.

⁸⁸ Ibid and Reinhardt, 1971, op.cit.

⁸⁹ Ibid, 1962, p. 192-6. Sukiman signed it as there was a benefit for Indonesia due to the existence of the Japanese war reparation clause, despite the compromising of Indonesia's conservative non-aligned stand in.

⁹⁰ Ibid, pp. 199-201. Ahmad Subardjo had signed the treaty due to the probable economic benefit that Indonesia might gain from US economic aid, even though the aid was tied to the obligation for its recipient to engage in the "defense of the free world" which was rejected by a majority of the parties in the parliament.

communist containment if they wished to receive economic aid from the US.⁹¹ Simultaneously, Prime Minister Sukiman's pro-West foreign policy was coupled with strong anti-communist domestic policy, exemplified by his government's cracking down on the PKI movement and the PRC embassy in Jakarta, based on dubious allegations of a coup plot, as a confirmation of Indonesia's leaning to the West.⁹²

At the same time, the USSR and PRC also exerted their influence in Indonesia. This influence appeared to be underestimated by Indonesia's rightist leaders until the PKI started to rise again in the 1950s.⁹³ The influence of the USSR and PRC was largely manifested in the "two stage revolution" approach taken by the leader of PKI, Dipa Nusantara (D.N.) Aidit.⁹⁴ With regard to his two stage revolution, Aidit said "the task of the Indonesian revolution is to create a people's government which is not to carry out socialist changes but democratic changes."⁹⁵ Whereas the USSR heavily influenced Aidit's preference for the PKI to strive for a national democracy agenda rather than a socialist one, the PRC would influence Aidit's PKI to seek temporary alliances with nationalist parties against other right wing socialist, feudal or Islamic parties.⁹⁶

The impact of PKI's dominance can be clearly seen in a number of government policies. For example, the government's decisions to increase the minimum wage and the establishment of a pension scheme, as well as social security for workers, were mainly due to PKI support for labour's right to free speech and the right to associate and organise in demanding fairer wages.⁹⁷ This was made possible as the PKI had successfully commanded the *Sentral Organisasi Buruh Seluruh Indonesia* (SOBSI), the strongest labour union in Indonesia at the time with 800,000 to 850,000 members, to oppose a number of the government's initial pro-capitalist labour and wage policies through demonstrations, strikes,

⁸⁶ Ibid, p. 198.

⁹² The purge is known as "Razia Agustus Sukiman" or "Sukiman's August Raid" and was directed at PKI members alleged to have led an assault on a police station in Tanjung Priok as part of Prime Minister Sukiman's way of showing his lenience to the US in Mozingo, 2007, pp.100-2.

⁹³ The PRC was known to have assisted the PKI in Feith, 1958, p. 51 and Feith, 1962, op.cit., pp.192-3.

⁹⁴ Aidit's "Two Stage Revolution" refers to: 1) a revolution to become a national democracy before the; 2) revolution of the proletariat against the capitalists in Cibulka, 1989, pp. 289-91.

⁹⁵ See Aidit speech in Aidit, 1957.

⁹⁶ The USSR and PRC had made recommendations for the PKI, and Aidit had learned from the USSR experiences and the PRC experiences by coming up with his own "two stage revolution" or a less revolutionary concept which he deemed suitable within the Indonesian context in Mortimer, 2006, pp. 50-1.

⁹⁷ See Hindley, 1964, pp. 141-8.

blockades and sabotages of strategic industrial sectors. This contributed to the fall of pro-Western cabinets.⁹⁸ On this note, the PKI stood up as a direct opposition to the pro-Western policy of the early cabinets. Aidit stated that:

The first type of 'neutral' or 'independent' attitude is consciously put forward to deceive the people by the agents of imperialism such as the right-wing socialist leaders [referring to Syahrir] and the leaders of the Masyumi Party [referring to Natsir and Sukiman]. They know that they would meet with very strong opposition from the people if they openly agreed to war and sided with America. That is why they put on the mask of 'neutrality' or 'independence'. In the same way, too, the right-wing socialists also speak empty phrases about a 'neutral' policy, an 'independent' policy or a 'third force' policy in order to conceal their faithful servitude to imperialism.⁹⁹

At this stage, the seeds of conflict between the major parties, namely the PNI, *Masyumi*, and PKI, began to appear due to external influences. Although at the beginning the democratic system had performed relatively well, due to the major powers' involvement in Indonesia's domestic politics as mentioned earlier, the downturn of the parliamentary democracy became evident. This can be detected from the parties' orientation. For example, if seen from PNI's perspective at the time as a pro government party, the PNI could be seen to be representing Indonesia's middle-nationalistic stand, the *Masyumi* as representing Washington's stand and the PKI as representing Moscow's stand.¹⁰⁰ If this was assumed true, then criticisms of the working governments were mostly carrying foreign agendas which, in the end, created tension, volatility and a short life span for cabinets (mostly less than a year).¹⁰¹ This can be seen in the bringing down of the cabinets of Natsir, Sukiman and Wilopo, and Indonesian politics during this liberal democracy period became highly unstable and divisive.¹⁰²

⁹⁸ Feith, 1958, op.cit., p. 48.

⁹⁹ See Aidit's speech in Aidit, 1954.

¹⁰⁰ Feith, 1962, op.cit., p.358.

¹⁰¹ See Lev, 2009, p.26.

¹⁰² See Choi, 1971, pp.214-5.

In spite of the ongoing domestic political rifts among the major parties, the true picture of Indonesia's domestic power structure was drawn in 1955 as Indonesia, under Prime Minister Ali Sastroamijoyo, was able to hold its first democratic general election to elect the members of the parliament in 1955. The result, however, was unfavourable to the US since, despite the fact that the US had poured millions of dollars into supporting the Islamic *Masyumi* party to oppose Sukarno's nationalist PNI party and the communist PKI party, the *Masyumi* party failed to win the election.¹⁰³ The PNI topped the list, while the PKI successfully made it to the first four for the first time in Indonesia's history. The *Masyumi* party slippage to second place after previously having the majority of seats in the parliament, and Syahrir's PSI party slippage to number five, was indicative of a change in the domestic power structure which allowed Sukarno, the PNI and the PKI to exert much more influence on the parliament.

3.4.2 Indonesia's Third World Human Rights Policy

With the major powers' battles for influence unfolding within its domestic politics, Indonesia at the time was also facing a rise in the PRC's influence and possible major powers' direct military intervention in its immediate neighbourhood, namely Indochina. The PRC, meanwhile, seemed to be interested in engaging non-communist third world states such as Indonesia after Stalin's death in March 1953 and the armistice of the Korean War in July 1953, creating uneasiness for the US.¹⁰⁴ In response to the major powers' engagement in Indochina, Ali Sastroamidjoyo (as Prime Minister in 1955) managed to create a temporary reconciliation between conflicting parties by not dwelling too much on domestic political rifts but rather focusing on Indonesia's external environment. Unlike Hatta and Syahrir, who chose to pacify Sukarno, Ali would instead invite Sukarno's support for his cabinet to ensure its survival since the cabinets of his predecessors, namely Natsir, Sukiman and Wilopo, without Sukarno's support, collapsed amid extreme opposition.¹⁰⁵ After being isolated from

¹⁰³ See Pease, 1966.

¹⁰⁴ Feith, 1962, op.cit., p.385.

¹⁰⁵ Ibid. The President became the vanguard of the cabinet, as cabinets without presidential protection were exposed to extreme oppositions within the parties and were brought down consecutively.

the domestic political power structure since 1946, Sukarno came back to the political scene by making foreign policy initiatives and giving support to government policies.¹⁰⁶

With Ali and Sukarno's initiatives, Indonesia began projecting its non-aligned policy to deal with the major powers' involvement in the region. Indonesia's choice of not siding with any of the powers was also due to its domestic experience in entertaining both sides of hegemonic power.¹⁰⁷ The impression left to most of the Indonesian leaders at the time was that, if Indonesia leaned too far to the right, domestic oppositions would bring the government down (as seen in Natsir and Sukiman's cabinets), but if it leaned too far to the left, a possible *coup d'etat* would ensue (namely Tan Malaka and Musso's attempts to overthrow the government).¹⁰⁸ With support coming from the PKI while Sukarno's PNI party held the majority seat in the parliament, Ali Sastroamijoyo would thus manage to secure such non-aligned policy with minimum opposition.

The implementation of Ali's policy was later initiated at the 1954 Colombo meeting.¹⁰⁹ The meeting indicated that states such as Indonesia, Burma, India, Sri Lanka and Pakistan seemed to be more attracted to non-aligned behaviour for their own interests rather than in choosing a side in the Cold War. In 1955, these five states invited a number of others from Asia and Africa to hold a high-level conference in Bandung, Indonesia, known as the Asia-Africa Conference. This conference resulted in a strategic understanding among third world leaders in fostering solidarity among third world states to support each state's right to self-determination in the wake of colonialism while affirming the importance of the non-interference principle in the internal affairs of statehood.¹¹⁰ At the same time, the conference was used by Indonesia as a venue to promote its depiction of third world rights, which elevated state rights over human rights. According to Sukarno:

Completely should the right to self-determination be applied to all nations...after the existence of the Atlantic Charter and the UN Declaration of Human Rights, colonialism is thus an eye catching anomaly, an anachronism

¹⁰⁶ See Elson, 2012, p.174.

¹⁰⁷ Palmier, 1967, op.cit. and See Singh, 1971, pp.393-4.

¹⁰⁸ Ibid

¹⁰⁹ See Ricklefs, 2001, p.301.

¹¹⁰ Results can be seen in what is known as "Dasasila Bandung" or the "The Ten Points of Bandung".

which causes sufferings of millions of mankind. Colonialism is truly human society's 'pest' on the face of this earth.¹¹¹

In support of Sukarno's view, Ali Sastroamidjoyo, who was also the President of the 1955 Asian African Summit in Bandung, claimed that:

The prerequisite of this [peace] is a willingness and determination to live together as neighbours, irrespective of each other's political, social or religious ideologies, on the principle of mutual respect of each other's national and each other's territorial integrity; abhorrence of aggression; non-interference in each other's internal affairs; and equality and mutual benefit...among the main causes of present day tension is colonialism...in today's world, we are still a long way off from equality and respect for human rights".¹¹²

The result of Indonesia's success in exporting Indonesia's version of third world rights to its external environment could be seen in "*Dasasila Bandung*" as one of the important outcomes of the 1955 Asia-Africa Conference. The ten points achieved in the final communique of the 1955 Asian-Africa Conference in Bandung showed the third world emphasis on human rights as well as state rights, as demonstrated in the first four points.¹¹³

1. Respect for fundamental human rights and for the purposes and principles of the Charter of the United Nations.
2. Respect for the sovereignty and territorial integrity of all nations.
3. Recognition of the equality of all races and of the equality of all nations large and small.
4. Abstention from intervention or interference in the internal affairs of another country.

¹¹¹ See Sukarno's speech in Sukarno, 1954. (Unofficial translation made by the researcher)

¹¹² Ali Sastroamidjoyo's opening speech in Sastroamidjoyo, 1955,

¹¹³ The Bandung Ten Points (*Dasasila Bandung*) and the recognition of West Papua as a colonial heritage were mentioned in the Final Communique of the 1955 Asia-Africa Summit.

In this sense, the conference in Bandung clearly showed Indonesia's attempt to reconstruct the idea of human rights and to combine it with anti-colonial principles.¹¹⁴ It also strengthened Indonesia's West Irian claim against the Netherlands' claim as the issue of West Irian had been acknowledged as a colonial residue that needed to be resolved in Indonesia's favour. At the same time, while the US treated the summit and movement with caution, the PRC strategically used its presence at the conference to build its third world credentials and to gain affirmation for third world support of its One China policy.¹¹⁵ This puts the PRC on a strong footing with the Third World, inclusive of Indonesia. Sukarno's decision to come back to Indonesia's domestic scene also explains Indonesia's increasingly cordial relations with the PRC. In 1955, the PRC's sympathetic view towards Sukarno's initiative of fostering the Asia-Africa Conference in Bandung was greatly appreciated and the PRC's behaviour throughout the summit seemed supportive of Sukarno's ideals, inclusive of his "West Irian" claims.¹¹⁶ In 1956, Sukarno returned the favour by visiting the PRC and, after he returned, Sukarno seemed to be idolising the Chinese political system over Indonesia's parliamentary democracy system.¹¹⁷

3.4.4 Guided Democracy

After the 1955 Asia-Africa Conference in Bandung, the Western powers became increasingly hostile towards Indonesia and they secretly tried to remove Sukarno from power, starting in the late 1950s.¹¹⁸ Dwight Eisenhower and John Foster Dulles, for example, viewed that Sukarno's choice of a non-alignment policy was "immoral" and, hence, the US government labelled the Indonesian government at the time as communist sympathisers. According to the US government's position, Indonesia needed to be "evaluated and actioned".¹¹⁹ An attempt at this was demonstrated by US covert support for the *Pemerintahan Revolusioner Republik Indonesia-Perjuangan Semesta* (PRRI-PERMESTA) rebellion in 1957-1958, which revolved around the domestic conflict of interests between the central

¹¹⁴ See Eckel, 2010.

¹¹⁵ Yahuda, 1996, op.cit.

¹¹⁶ Ibid.

¹¹⁷ See Hong, 2011.

¹¹⁸ See Scott, 1985.

¹¹⁹ Indonesia is considered to be a communist sympathiser in Combs, 2012, p. 236 and US government handling of the Indonesian issue in Memorandum from the Assistant Secretary of State for Far Eastern Affairs (Robertson) to Secretary of State (Dulles).

government in Java and the outer islands, such as Sulawesi and Sumatra, which turned into a full scale secessionist movement. For example, there was covert US military assistance to the rebellious movement and this was followed by UK, Taiwan, South Korea, the Philippines and organized support from political entities in the Malayan Peninsula including from areas that would later on become Singapore.¹²⁰ To solidify the proof further, an American ‘soldier of fortune’ by the name of Allen Pope, who had transported weapons to the rebel forces, was captured.¹²¹

The impact of such direct external interferences in Indonesia’s domestic politics was that many of the former “right-wing” nationalist leaders, mainly from the *Masyumi* and PSI parties, were implicated in the secessionist movement.¹²² This caused the parliament and a majority of the big parties to lose credibility in the eyes of the Indonesian citizens because many of their members and figureheads were allegedly supporters of the rebels.¹²³ The army enacted a state of emergency due to the full scale PRRI-PERMESTA secessionist movement and such a move managed to strengthen the army’s position in the central government and the region.¹²⁴ In this regard, General Abdul Haris Nasution, as the army’s chief of staff, stated that parliamentary democracy and the party system would only create instability and secession attempts, or as Nasution put it, “chaos”.¹²⁵ Earlier, on 17 October 1952, Nasution was also known to have staged a military showdown to dissolve the parliament in Jakarta, only to be denied by Sukarno himself.¹²⁶ By the late 1950s, rather than reinstating Indonesia’s democracy, Nasution had hinted to the Western powers that he preferred to use the military to deal with Indonesia’s instability and the spread of communism.¹²⁷

Another problem faced in terms of human rights development at the time was concerning the dysfunctionality of the *Konstituante*. Initially, the parliament and Sukarno had

¹²⁰ On US and Taiwan involvements in Feith, Herbert and Lev, Daniel, 1963, p.41. On UK and the Philippines involvement in Kahin, A. R. and Kahin, G. M. , 1995, pp. 149-56, and Conboy and Morrison, 1999, pp. 84-9. On Malayan Peninsula and South Korea involvements in Panitia Penulisan Sejarah Diplomasi Republik Indonesia (Buku II), 1996, pp.369-70.

¹²¹ Panitia Penulisan Sejarah Diplomasi Republik Indonesia (Buku II), 1996, p.377.

¹²² Lev, 1966, op.cit., pp. 154-7.

¹²³ Ibid

¹²⁴ Ibid, p.77. Martial law enabled the army to participate in politics in accordance with Nasution’s ‘middle way’ concept.

¹²⁵ See Caldwell and Ultrecht, 1979, p.106.

¹²⁶ Ibid.

¹²⁷ Scott, 1985, op.cit., pp. 239-64.

endorsed the formation of a democratically elected *Konstituante* as the body responsible for drafting a new constitution. However, the members of *Konstituante* had been extremely divisive in deciding what to include and what not to include in the formulation of human rights provisions, as Islamists, Liberalists, Communists, Nationalists and Traditionalist/Collectivists were instead engaged in a battle of influence among themselves in formulating the rights of Indonesian citizens.¹²⁸ Such heated debate lasted for almost two years with no results and, hence, delayed the much-needed human rights protection which was vital for securing human rights guarantees in the new constitution.¹²⁹

Sensing that US interference in Indonesia's domestic politics had increased significantly and the *Konstituante* could not provide a timely constitutional solution for Indonesia's fragile democracy, Sukarno launched a Presidential Decree in July 1959 as to what he believed to be a way of salvaging the republic from becoming a failed state. The decree suggested that, due to the incapability of *Konstituante* to formulate a new constitution in a timely manner and the state of emergency, Indonesia would re-enact its UUD 1945. According to Sukarno:

Liberalism poisons our social conscience...individualism fractures and distances the cohesiveness of all our unity...I do not regret that on 5 July 1959 I issued a Presidential Decree...Guided Democracy is a family-value democracy, without liberalism's anarchy, and without the dictatorship's autocracy.¹³⁰

This would also serve as a sign of the second shift in Indonesia's human rights policy from a policy based on the UUDS 1950 as a precursor to Western liberal democracy back to the one based on the UUD 1945 as an entry point to Guided Democracy.

Accordingly, Sukarno began to make domestic reforms. Instead of being nominated by parties, members of the House of Representatives (DPR) and the People's Consultative Assembly (MPR) would now be appointed by the President, in favour of the PKI and the

¹²⁸ Lev, 1966, op.cit., pp. 276-90. One of the most heated arguments was on the Jakarta Charter put forward by Muslim groups.

¹²⁹ See Nasution, 1965, p. 109.

¹³⁰ Sukarno's speech in Sukarno, 1959. (Unofficial translation made by the researcher)

military.¹³¹ Party politics also were replaced by Sukarno's preferred "functional groups" through the appointments of farmers, teachers, trades people and military personnel into Sukarno's "National Council" or *Dewan Nasional*.¹³² The return to the UUD 1945 also suggested a return to a strong presidential system, as the President would 'guide' almost all aspects of statehood and the democracy himself. One example of this strong presidential position was the fact that Sukarno's 17 August 1959 "Rediscovering Our Revolution" speech, in which he elaborated on "MANIPOL/USDEK" and his 1960 United Nations General Assembly (UNGA) speeches, was immediately chosen by the Guided Democracy parliament to become the *Garis-garis Besar Haluan Negara* (GBHN) or the national guidelines for the trajectory of all Indonesia's policies.

As a result, the three remaining power holders in Indonesian politics during the period consisted of the President, the military and the PKI.¹³³ Nasution, who was the army's chief of staff, also supported Sukarno's Guided Democracy as he said:

The military men are now not only [part of the] State apparatus technically but also are functional groups. They can become ministers. [The] Armed Forces must know clearly the difference between [being part of] the State apparatus and functional group[s]...The Armed Forces' functional group cooperates side by side with political groups, functional groups in the field of religion, material and spiritual development.¹³⁴

The PKI support for Guided Democracy was demonstrated in Aidit's speech:

The PKI felt that the only way to save the country from the disaster of a further split in the national forces was for President Sukarno to issue a Decree restoring the 1945 Constitution in the name of the majority of the Indonesian people...The PKI and the Indonesian working people welcomed the Decree

¹³¹ Lev, 1966, op.cit., pp.70-80

¹³² Ibid

¹³³ PKI is by far the best disciplined, organized and most vigorous party in the country during the period in Lev, 1966, op.cit., p.23, 30. Soekarno's dominant influence and the army's strength in Indonesian politics can be seen in Lev, 1966, op.cit., pp.63-94.

¹³⁴ A.H. Nasution, *Towards a People's Army*, Jakarta, Delegasi, 1964, p. 22.

issued by the President/Supreme Commander, Sukarno, on July 5th, 1959, restoring the 1945 Constitution.¹³⁵

Once applied, Guided Democracy ended the development of liberal democracy and the Western human rights provisions found in the 1950 Constitution. During this period, party politics was discouraged and civil and political rights were restricted.¹³⁶ This resulted in a significant amount of human rights violations such as restrictions on the freedom to organise and freedom of expression, and arbitrary arrests of prominent figures were made. Sukarno's decision to dissolve the DPR and replace it with DPR *Gotong Royong* (DPR-GR) as part of Guided Democracy's "retooling" or cleaning of state apparatuses, for example, caused widespread protests, as symbolised by the creation of *Liga Demokrasi* or the League of Democracy.¹³⁷ The league was also supported by a number of parties, namely *Masyumi* and PSI. Sukarno responded against such protests through the Presidential Decree *Penetapan Presiden No. 7 Tahun 1959 tanggal 31 Desember 1959* to dissolve the party system and to disband such groupings. He decided to dissolve the *Masyumi* and PSI parties based on allegations of subversion and PRRI/Permesta involvements, using *Keppres No. 200 Tahun 1960*.¹³⁸ At the same time, Sukarno and the army clamped down on the press, restricted political organisations, and arrested both journalists and former members of parliament.¹³⁹ Sukarno argued that:

Liberalism had brought many disasters within state apparatuses...especially with the fanning and assistance from foreign subversion...Guided Democracy emphasises (that)...each individual is obliged to be devoted to public interest, devoted to society, devoted to the nation, devoted to the state...¹⁴⁰

General Nasution also explained his support for Guided Democracy:

I was attracted to *gotong royong*...which was [the same as] *kekeluargaan* [the family principle] that I had encountered in the 1945 Constitution.

¹³⁵ Aidit's speech in Aidit, 1959.

¹³⁶ Lev, 1966, op.cit., pp.63-94.

¹³⁷ See Tunggul, 2003, pp.285-6.

¹³⁸ Marzuki, 2011, op.cit., p.9.

¹³⁹ Lev, 1966, op.cit., pp.63-94 and Ibid.

¹⁴⁰ Sukarno's speech in Sukarno, 1959. (Unofficial translation made by the researcher)

Kekeluargaan versus individualism [found] within Western liberalism and versus totalitarianism in the communist and fascist systems. One was too heavily weighted towards the individual, and the other to totality. *Kekeluargaan* had the meaning of a balance, a harmony, a concord between individuals along with totality, as is found in the life of a good family.¹⁴¹

Sukarno, as the main power holder, also responded to Western powers interference in Indonesia's domestic politics by fostering the establishment of the Non-Aligned Movement (NAM) in 1961. NAM stood as a third world coalition of power against the ongoing major powers' battles for influence throughout the Cold War, and NAM members had to abide by the conditions set in the 1955 "Dasasila Bandung". With a heavy Sukarno influence, the NAM fostered an increasingly political position in aspiring to become the third power, as Sukarno said that "...the decision as regards peace or war should not be left to big powers alone".¹⁴²

Simultaneously, while the NAM was vocally putting forward state rights through anti-colonialism and non-interference discourse, human rights discourse was abandoned. Sukarno, for example, was quoted to have said:

...to be free means the freedom to determine our own national policies, to formulate our own concepts, unhampered and unhindered by pressure or intervention from outside... let us bear in mind that our purpose here is to contribute relentlessly to the struggle against remnants of colonialism and imperialism...to facilitate the process of emancipation between nations...to build the world anew.¹⁴³

In this regard, Indonesia had switched from having a moderate-non-aligned policy which was open to democracy and human rights, as seen in the early 1950s, to an aggressive-non-aligned policy which had denounced the importance of human rights in the early 1960s.¹⁴⁴ This was

¹⁴¹ See Nasution, 1984. (Unofficial translation made by the researcher)

¹⁴² Sukarno's speech was made at the Conference of Non-Aligned Countries in Sukarno, 1961. (Unofficial translation made by the researcher)

¹⁴³ Ibid.

¹⁴⁴ See Wibisono, 2009, p.57.

due to Sukarno's perceptions which denoted democracy and human rights as a Western creation which interfered with his confrontational and revolutionary foreign policy.¹⁴⁵

3.4.5 Neorealism and Neoclassical Realism Explanations

During the second phase, from a neorealist perspective, the battles of influence between the blocs were intensifying with the rise of the PRC. The US had also been encouraging Indonesia to be on their side through intense lobbying, economic aid and training programmes in order to further promote liberal democratic values. The US influence can be seen in the pro-West cabinets of Natsir and Sukiman which were brought down for showing their lenience towards US policy on the region. Meanwhile, the PRC managed to use its closeness to PKI and Sukarno's proposal for alliance against the superpowers in the Cold War to bolster its view of the 'imagined community' of developing countries.¹⁴⁶ By the same token, the PRC also used the 1955 Asia-Africa Conference in Bandung to strengthen its relations among Asian nations.¹⁴⁷

This makes the external constraints faced by Indonesia at the time different from those in the earlier period (1945-1949) when the Western powers dominated. At this stage, Indonesia was provided with three options in pursuing its national interests, given the systemic opportunity and threats at the time. Such options were to bandwagon with the Western powers, to maintain its own policy through a soft form of balancing (by adhering to its conservative non-alignment behaviour and relying on third world coalitions) or to perform hard balancing against the Western powers (by bandwagoning with the Communist bloc, with the PRC in the lead, followed by the USSR). According to neorealist assumptions, a mistake in policy choices would result in systemic punishments.

In this regard, however, neorealism seems to be lacking any predictive or explanatory capability in determining the choice of policy that Indonesia would pursue. For example, during the early 1950s, Indonesia had tried to bandwagon with the Western powers. This can be seen during the early years of parliamentary cabinet, namely under Natsir and Sukiman's

¹⁴⁵ Ibid, p.59.

¹⁴⁶ See Jian, 2009.

¹⁴⁷ See Zhou, 2013, p.5.

cabinets, as the government was considered to have a mild pro-West attitude and Indonesia seemed to have continuation of its human rights policy in advocating Western ‘liberal’ democracy and human rights discourse.¹⁴⁸ Yet, by 1955, Indonesia had embarked on a more assertive external policy. Indonesia began performing a soft form of external balancing against the major powers in the region by initiating a third world coalition to promote “state and human rights”, “non-aligned”, “anti-colonial” and “West Papua” interests. Such an abrupt shift was an anomaly and irrational, if seen from a neorealism perspective, as such deviation almost immediately resulted in Western powers’ support for the PRRI-Permesta rebellion as a form of systemic punishment of Indonesia. To explain such anomalous and irrational behaviour, neoclassical realism would argue that the pattern of Indonesia’s behaviour as a state was not pre-determined solely by the systemic/external pressures, although such pressures did have an impact.

If analysed by neoclassical realism’s “leader’s perception-domestic power structure” model, such deviation from neorealist assumptions about Indonesia’s state behaviour can be explained by variables found within Indonesia’s domestic politics. This research finds that the major powers’ direct interferences in Indonesia’s domestic politics (as seen in the US support for *Masyumi* and the PSI, and the USSR and PRC support for the PKI during the early 1950s) had deeply affected the development of Indonesia’s state institutions, party coalitions and national stability, in a negative way. The numerous instances of bringing down of governments due to blatant divisions of extreme opposition in the parliament, based on Cold War ideological lines (Communist and pro-West Islamist groups) served as the main cause of the fragility in Indonesia’s practice of democracy and, ultimately, the change within Indonesia’s domestic power structure. The impact of such turbulent domestic conditions had facilitated Sukarno’s return to Indonesia’s domestic power structure as the “solidarity maker” type of leader, especially with Prime Minister Ali Sastroamijoyo’s invitation for Sukarno to be actively involved in Indonesia’s domestic politics. One of the initiatives taken by Ali and Sukarno to ensure domestic stability was to focus more on Indonesia’s external fronts, rather than to dwell on domestic rifts, by projecting its non-aligned, ‘anti-colonialism’ and bringing back ‘West Papua’ policy to the international scene.

¹⁴⁸ See Hausewedell, 1973, pp.15-6.

Thus, this research finds that by the middle of the 1950s it was Ali and Sukarno's perceptions of external initiatives that mattered. This was because the two managed to become the dominant figures within Indonesia's leadership and their perceptions were unchallenged by the parliament. Even Aidit from the PKI, at this stage, seemed to be supportive of all Sukarno's views on 'non-alignment', 'anti-colonialism and anti-imperialism' and 'West Papua'. Thus, Ali and Sukarno had secured domestic resources for their chosen policy. This resulted in Ali and Sukarno's decision to indirectly challenge hegemonic power through the Asia-Africa coalition as part of Indonesia's soft form of external balancing. In this regard, it was Sukarno and Ali's perceptions which had elevated state rights over human rights, and this greatly affected Indonesia's exportation of its third world version of human rights through the 1955 Summit.

Yet, when structural constraints changed, as demonstrated by the US' changed view of Indonesia from a potential ally to a potential threat, the large scale PRRI-PERMESTA rebellion broke out and was backed immediately by Western powers and their allies. At the same time, the PRC and USSR also intensified their influences on Indonesia's domestic and foreign fronts. The PRC, for example, intensified its cooperation with Aidit's PKI and also in many of Indonesia's domestic policies, while Indonesia's anti-PRRI-Permesta and West Papua campaigns were supported by the USSR with weapons.

Using the neoclassical realism "leader's perception-domestic power structure" model, the battle for influence within Indonesia's democratic framework between the Western bloc and the Communist bloc during this period seemed to have favoured the Communist bloc, as demonstrated by the PKI's performance as the fastest growing party and a potential winner in the election (after the 1955 election). In this regard, this research finds that the decision of the Western powers and their allies to support the PRRI-Permesta secessionist movement had significantly disrupted the development of Indonesia's state institutions and its practise of democracy, through the takeover and subversion attempt outside the framework of democracy. The victorious campaign of Sukarno, the PKI and the army in quelling the Western powers-backed movement with arms support from the USSR had caused the parliament, the rightist leaders and the liberal figureheads (such as Syahrir, Natsir, Sukiman and others from the Islamist or rightist camps who were implicated in the movement) to lose political power. Thus, the movement had sealed the fate of Indonesia's rightist movement and

greatly impacted on the development of Indonesia's democracy and human rights condition.¹⁴⁹

Such circumstances paved the way for Sukarno, the PKI and the army to become the three remaining power holders left within Indonesia's domestic power structure. With such an existing domestic power structure, the perceptions of leaders, particularly Sukarno, became a crucial intervening variable, especially since Aidit and Nasution shared Sukarno's perception that the state was faltering due to external interferences. At this stage, Sukarno, as the main power holder, viewed the US and Western powers as now more threatening and aggressive to his Indonesia, if judged from the Western powers' responses to Indonesia's democratic practice, the Asia-Africa Conference, the PRRI-Permesta movement and the West Papua issue.

Due to this view, Sukarno tried to perform a soft form of internal and external balancing strategy against the US and Western powers. Regarding his soft form of internal balancing strategy, Sukarno relied on his own innovation in creating a new governing system by consolidating power through his Guided Democracy (with the inclusion of the PKI as a civilian power and the army as military power in ruling) to denounce the Western system of democracy and human rights. Sukarno's innovation can be considered as internal balancing because this is understood as "...a conscious, purposeful effort by one state to offset the perceived relative power advantage of another state by the creation of entirely new institutions, technologies, or governing practices".¹⁵⁰

Whereas, regarding his soft form of external balancing, Sukarno fostered the NAM as the Third World coalition of power in order to balance the US and Western powers' influence in the region. This can be seen in the NAM 1961 summit where non-aligned leaders, inclusive of Sukarno, agreed to focus more on achieving their third world version of state rights, namely non-interference, non-intervention, sovereignty, territorial integrity, social justice and self-determination, with hardly a mention of human rights.¹⁵¹

¹⁴⁹ Lev, 1966, op.cit., pp.161-2 and Horowitz, 2013, p.23.

¹⁵⁰ Talliaferro, 2006, op.cit., p.472.

¹⁵¹ The Final Excerpt of the 1961 NAM Summit in Belgrade.

The result of such internal and external balancing strategies was the abandonment of Western democracy and human rights practices, as seen in the shift in Indonesia's human rights policy from UUDS 1950 back to UUD 1945, which Sukarno viewed as a way to amend Indonesia's fractured unity. This chosen strategy also resulted in Indonesia's shift in terms of human rights policy because Indonesia under Sukarno began to emphasise more on state rights rather than human rights in Indonesia's external and internal fronts.

3.5 Conclusion

In conclusion, neorealism's limitation in analysing Indonesia's human rights policy shift contrasts with neoclassical realism's strength as a tool of analysis through the latter's opening of neorealism's 'black box' and activation of 'domestic power structure' and 'leader's perception' as intervening variables. The choices of, and the motives behind, human rights policies pursued by Indonesian leaders can substantially be explained by neoclassical realism analysis. Here, neoclassical realism analysis during the Sukarno era indicates that the less developed the domestic power structure is, the more exposed are the policy choices (shift or continuation) to external preferences and leaders' perceptions.

In the period 1945-1949, the research finds that as state institutions and apparatuses were very loose, leadership figures became the most influential intervening variables in policy-making and the Western powers were able to directly influence the composition of leadership within Indonesia (Syahrir over Sukarno). As a result, leaders who were acceptable to the Western powers at the time were faced with limited policy choices and most of these leaders had the perception that Indonesia was still weak in terms of relative power. This also resulted in the avoidance of confrontational policy and instead, these leaders pursued a set of indirect balancing strategies to engage the Western powers and the Netherlands to receive acknowledgement for Indonesia's independence. The consequence of such strategies was Indonesia's human rights policy shift from one based on the UUD 1945 to one based on the UU RIS 1949.

However, in the later period (1950-1966), the research finds that the application of the UU RIS 1949 (later changed to the UUD 1950), which was embellished with liberal characteristics, lacked commitment to Western liberal ideals due to the fact that the policy

shift initially served as a temporary strategy for the purpose of gaining recognition for independence. This view of such lack of commitment is strengthened by another element of the research findings which highlight that the external influences (mainly the battle for influence between the Western powers and the Communist group) had effectively disrupted the overall development of Indonesia's state institutions and its practise of democracy causing an underdeveloped domestic power structure. In this regard, the external influence managed to affect the development of Indonesia's domestic power structure in a negative way, which again resulted in the dominance of leadership figures, as could be seen in Sukarno's role in ensuring national unity and stability and the effect of Sukarno's perceptions in determining policy choices. This ultimately led to a shift of human rights policy from a pro-Western human rights policy based on the UUDS 1950 back to Indonesia's traditional, collective and third world human rights policy based on the UUD 1945.

The next chapter discusses the termination of Sukarno's leadership and the shift or continuation of human rights policy under Suharto, as Sukarno's successor. As in this chapter, the research will investigate Suharto's policy preferences in terms of human rights from the neoclassical realism perspective. It will discuss whether Suharto's human rights policy was a shift from or continuation of Sukarno's human rights policy, and the consequences of Suharto's preferences for Indonesia's overall practise of democracy and respect for human rights.

CHAPTER 4

Suharto's Human Rights and Anti-Human Rights Policies: 1966-1998

4.1 Introduction

This chapter analyses the continuity and change of human rights policy in the Suharto era. As in the previous chapter, it will test the validity of neoclassical realism in a historical survey of the Suharto New Order policy from its inception until its collapse in 1998. The first part of this chapter introduces neoclassical realism as the theoretical framework for the historical specificities of the Suharto era and outlines how it will be applied in this chapter. The second part discusses the birth of Suharto's "New Order" as a replacement for Sukarno's 'Guided Democracy'. It highlights the trade-off between what was domestically needed to secure Suharto's position and what was externally acceptable to respond to the Cold War environment in the Asia Pacific region. The third part elucidates the nature and patterns of the human rights policy that Suharto's New Order attempted to shape under constraints from both within and outside the nation. The fourth part elaborates the transformation to an anti-human rights policy, following the fall of the New Order regime. The last part analyses Indonesia's behaviour as a state from the neoclassical realist perspective and how such behaviour affected its policy continuation or shift in terms of human rights policy under Suharto.

4.2 A Neoclassical Realism "Domestic Power Structure-Leader's Perception" Approach

As in the previous chapter, neorealism realism firstly will be used to emphasise the influence of Indonesia's external environment. Mainly this comprise of great powers' behaviours, interests and relations toward Indonesia during this period as well as the interaction among great powers themselves which have repercussions for Indonesia. This will be followed by an analysis of Indonesia's domestic environments, comprising of "domestic power structure" and "leader's perception" as to whether there is a deviation from neorealist

assumptions in forms of irregularities in terms of policy options. Suharto's first irregularity in terms of human rights policy was why did Suharto display a dualism in his early human rights policy. On one hand Suharto's seemed committed to improve Indonesia's practice of democracy and respect for human rights from the ones displayed during the Sukarno era. Yet on the other hand, he had brutally eliminated PKI members and affiliates. Suharto's second irregularity was why did Suharto later on decided to pursue human rights policy that did not greatly differ from Sukarno's Guided Democracy period policies which were greatly sourced on Pancasila values. Also, after 32 years of effective authoritarian rule, how did the new pro-democracy and pro-human rights movement in Indonesia managed to force the stepping down of Suharto even when members of his own regime find it hard to do.

Here neoclassical realism analysis is expected to explain the peculiarities of Suharto's human rights or anti-human policies through an investigation of the external constraints and opportunities provided by the severity of the Cold War confrontation, the USSR-PRC split (in the 1970s) the end of Cold War and the changing orientation of US foreign policy in the post-Cold War period. For example, Suharto was known to have used such external opportunity to usurp power and while defeating other political opponents such as Sukarno who were more constrained by the external condition. At other times Suharto managed to utilise Indonesia's external condition to challenge the Western powers by using the "Asian/Pancasila Values" and "right to development" arguments and to deflect the Western powers' imposition of their style of human rights from the late 1980s to the middle of the 1990s. Such state behaviour had again deviated from neorealism's logic and thus will be further investigated through the usage of neoclassical realism domestic intervening variables in the following section. Yet despite the deviation, in accordance with neorealist logic, Indonesia's attempt to defy Western power pressures, though effective for some time, was proven to be ineffective and ultimately resulted in Suharto's downfall. Such interchangeable prevalence of neoclassical realism and neorealism assumptions in analysing Indonesia will also complemented with Putnam's "Two Level Game" theory to better understand the political dynamic behind Suharto's reasoning between the external and internal imperative.

4.3 1966-1970: The Beginnings of the “New Order” and Promises of Democracy

4.3.1 Suharto’s Takeover from Sukarno

During the last phase of Sukarno’s rule, Indonesia was in the “hot spot” of the Cold War (1950-1966) as the great powers, (the US and USSR) and emerging power (PRC), were involved in a competition to forge alliances within, and exert influence over, South East Asia.¹ The US was already heavily involved in the Vietnam War (the Third Indo-China War) in order to contain the spread of communism as outlined in its “domino” theory”, while the USSR had been supporting North Vietnam against South Vietnam.² At the same time, the US had covertly supported the 1957-1958 PRRI-Permesta military rebellion in the outer provinces of Indonesia and it continued to foster a close relation with Indonesian ‘right wing’ military generals throughout Sukarno’s Guided Democracy.³ The PRC, meanwhile, was just emerging from the collapse of the Sino-Soviet alliance and was exerting influence in South East Asia, particularly in Indonesia.⁴ As a result, the PRC seemed to have overtaken both the US and USSR in its influence over Indonesia by moving closer to the PKI and Sukarno, as was symbolised by its sponsorship of the PKI and Sukarno’s late creation of the Jakarta-Hanoi-Pyongyang-Beijing axis.⁵

The battle for influence among the major powers, in the context of the Cold War, culminated in Indonesia’s October 1965 incident, known as G/30 S PKI or *Gestapu/Gestok*. A group of military men loyal to Sukarno had abducted and killed six alleged ‘right wing’ generals in order to prevent a covert military coup led by the Western-backed ‘council of the generals’ against Sukarno. However, these killings were viewed as a coup by the military and, under the command of Major General Suharto, who was then the head of the *Komando Strategis Angkatan Darat* (KOSTRAD), or Army’s Strategic Command, the movement was successfully brought to an abrupt end. This was symbolised by the Suharto troops’ speedy victory over the abductors’ troops. The importance of the incident was that the CIA and Western powers were assumed to be behind the ‘council of generals’ and their planned

¹ See Panitia Penulisan Sejarah Diplomasi Republik Indonesia (Buku IV B), 1996, pp.1016-9.

² See Yahuda, 1996, pp.72-3.

³ See Ricklefs, 2001, pp.334-8.

⁴ Ibid.

⁵ Ibid.

military coup against Sukarno, while the PKI and PRC were suspected of being behind the abductors of the 'right wing' generals who tried to prevent the military coup from happening.⁶

In dealing with the fast pace of the incident and the uncertain conditions, Suharto's military group managed to maintain an effective control over vital mass media such as the *Radio Republik Indonesia* (RRI) and, hence, was able to build up an image as the saviours of Indonesia against what most perceived as an imminent communist threat that had been nurtured under Sukarno's 'Guided Democracy'.⁷ This was due to the popular belief initiated by Suharto's group⁸ that Sukarno's rule was now heavily tainted by the PKI's influence and had betrayed the revolution, the *Pancasila* and the UUD 1945 constitution.⁹ This resulted in a condition where the military and others, such as Islamic groups, the media, intellectuals, legal professionals, economists and university students, were all engaged in a collaborative attempt to remove the PKI and Sukarno from power.¹⁰ By 1967, the PKI and its affiliations were almost completely annihilated and Sukarno was ordered to be held under house arrest after the temporary parliament known as the MPRS had revoked him of his presidential powers. This made Suharto the acting President through the MPRS provision in March 1967.¹¹ The MPRS appointed Suharto as the 'full' President to replace Sukarno in 1968.¹²

In addition to the major powers' subversive or direct involvement outlined earlier, the Western powers' influence over the developments in Indonesia's domestic politics at this stage was crucial. The Western powers, particularly the US and UK, were congenial towards the new triumvirate of Suharto (a military figure) as the leader, Adam Malik (a civilian), who became the Deputy Prime Minister for Social and Political Affairs, and Sultan Hamengkubuwono IX (a traditional aristocrat), who became the Deputy Prime Minister for

⁶ See Soebandrio, 2000; Hunter, 2007, p. 67 and Vickers, 2005, pp. 155-7.

⁷ Suharto immediately controlled the media in Sen and Hill, 2007, p. 3 and May, 1978, p. 178.

⁸ According to Soebandrio, the group comprised of Suharto, Yoga Soegama (at the time, he served as Indonesia's ambassador to Yugoslavia but was ordered home by Suharto) and Ali Moertopo, a military man who became the head of the intelligence body (BAKIN) in Soebandrio, 2000, op.cit.

⁹ See Aspinall, 2005, p.22 and Feith, 1994, pp.16-7. On the 19th October 1965, Xin Hua News Agency reported that the right wing military generals were committing terror campaign in Indonesia in Panitia Penulisan Sejarah Diplomasi Republik Indonesia (Buku IV B), 1996, op.cit., p.1181.

¹⁰ See Schwarz, 1994, p.29.

¹¹ The TAP MPRS 1967 had implicated Sukarno as a PKI sympathiser as Sukarno refused to denounce the PKI.

¹² See Kroe, 1971, pp.17-8.

Economic, Finance and Developmental Affairs.¹³ Meanwhile, after the October 1965 incident, while the USSR was in relative silence about the PKI's defeat, the PRC's influence in Indonesia was overturned by Suharto's military regime when Suharto blamed the PRC for the sponsorship of the PKI's failed coup attempt. The USSR's passive position on the matter was an additional factor that led to a further relational split between the PRC and USSR.¹⁴ Regarding the PRC, Suharto, for example, stated that "it is certainly a reality that [the] PRC has directly or indirectly assisted the G-30-S/PKI."¹⁵

With the Western powers' influence now dominant, Suharto would make Indonesia's policy more favourable to the West to the extent that he was able to secure his position.¹⁶ To start with, Suharto's early foreign policy choice was to break diplomatic ties with the PRC in 1967 and to suspend all military aid and training from the USSR, symbolizing a decline in relations with the Communist states.¹⁷ Suharto then invited foreign investment and aid from the richer Western states, as well as acquiring military training and equipment from them. This reflected the main priorities of the Western powers for Indonesia at the time; a speedy economic recovery to ensure stability.¹⁸ Large amounts of direct foreign investment and foreign loans were made to Indonesia through the creation of the Inter-Governmental Group for Indonesia (IGGI) as well as Suharto's close engagement with the IMF, the World Bank and other Western-sponsored creditors, commencing in 1967 as the foundation of Indonesia's new economy.¹⁹ Suharto would later use such foreign-capital-heavy economic policy to secure his domestic rule by boasting about his regime's ability to maintain economic stability and development as the New Order's justification to rule in an authoritarian manner.²⁰

The indication of Indonesia's shifting behaviour, from an anti-West to pro-West stance, was also demonstrated in the NAM and ASEAN. Firstly, Indonesia under Suharto

¹³ Such intensive links and congenial treatment towards the three figures was mentioned in Kasenda, 2013, p.39.

¹⁴ See Boden, 2013, pp.92-3.

¹⁵ Suharto's speech in Suharto, 1967. (unofficial translation made by the researcher)

¹⁶ Indonesia's New Order regime suited Western interests perfectly in Crouch, 1994, p.125.

¹⁷ Regarding breaking diplomatic relations with the PRC in 1967 in Panitia Penulisan Sejarah Diplomasi Republik Indonesia (Buku IV B), 1996, pp.1187-9. Whereas regarding freezing relations with the USSR until the 1980s in Panitia Penulisan Sejarah Diplomasi Republik Indonesia (Buku IV B), 1996, pp.1148-9.

¹⁸ Kasenda, 2013, op.cit., p.38.

¹⁹ On IGGI establishment in McDonald, 1980, pp.72-4. On IMF and World Bank engagement in Abdulgani-Knapp, 2007, pp.63-4.

²⁰ See Rock, 2003, pp.12-4 and Liddle, 1999, pp. 94-116 &11.

played a passive role in the NAM, in contrast to Indonesia's earlier support for NAM as one of its important foreign pillars as a way to contend with Western countries imperialistic tendencies during Sukarno's years.²¹ Secondly, unlike Sukarno, who used confrontational policy against Indonesia's immediate neighbours, (the Federation of Malaysia and Singapore), Suharto would instead engage them in a regional organisation called ASEAN.

On one side, Suharto claimed that ASEAN was strictly for economic purposes. On the initial creation of ASEAN, Suharto stated "regional cooperation in South East Asia is a concrete effort towards a solid, secure and advanced livelihood in this part of the world in a number of fields, particularly economic, social and cultural".²² This was reflected in the common interests of most of the five initial creators of ASEAN, Indonesia, Thailand, the Philippines, Malaysia and Singapore, in acquiring economic aid from the US, Britain and Japan.²³ Yet, on the other side, ASEAN also functioned as a bulwark against communist encroachment into South East Asia, especially after communism had prevailed in Vietnam.²⁴ Several analysts even suggested that the plan to create ASEAN was drafted through the US Council on Foreign Relations and the US Study Group on South East Asia, and was merely formalized in Bangkok by the five initial members in 1967.²⁵

4.3.2 Suharto's Early Dualism on Democracy and Human Rights

After signalling the shift to the Western bloc in its external policy, Indonesia under Suharto appeared to readjust its domestic policy to reflect Western ideals of democracy and civil and political rights. Mainly this was because Suharto's new military regime tried to align with Western powers' interests in the region during the Cold War, namely to create the 'free world' zone as seen in the creation of ASEAN, and to contain communist encroachment by making Indonesia anti-communist and susceptible to Western democracy, despite its militaristic tendencies. An attempt was made to rectify the anti-Western governing practices of Sukarno and the PKI, which the regime claimed had deviated far from the UUD 1945, by

²¹ Suharto reinvigorated the NAM through Indonesia's active participation after the Cold War ended in Vatikotis, 1995, p.223.

²² Suharto, 1967, op.cit. (unofficial translation made by the researcher)

²³ Ibid.

²⁴ See Hagiwara, 2003, p.19 and Paul, 1996, pp.230-2.

²⁵ See Fifield, 1963, pp.404-40 and Sophiaan, 1994, p.310.

returning power to the MPR as the people's representative body and promising to uphold the rule of law.²⁶ In his 1967 speech as the acting President, Suharto, for the first time termed Sukarno's rule as *Orde Lama* or 'Old Order' and his new rule as the *Orde Baru* or 'New Order' as a way of showing the departure from his predecessor's method of governing, as well as highlighting Sukarno's mistakes.²⁷ This resulted in a short interlude of a better practice of democracy and human rights, as Suharto himself said:

In the past, we had been pressured from above in an autocracy, now freedom grows from below in a democracy...political stability which we shall form is a solid and dynamic environment, where people practice free will, where people scrutinise governing, where people enjoy their human rights and democratic rights in order to develop their talent, intelligence and ability.²⁸

To strengthen his claim, Suharto, based on his own initiative, commenced a series of reforms which were promising for democracy and clearly broke away from Sukarno's policy.²⁹ For example, the opening of the media which was prohibited under Sukarno and the release of most of Sukarno's political prisoners, such as Islamic leaders and political opponents, were all carried out during Suharto's early rule.³⁰ Suharto also revived party politics which had lost credibility in the late 1950s, by allowing the growth of political parties.³¹

A significant breakthrough in terms of human rights was also made in the early years of the New Order regime. Again, as part of Suharto's democratic image-building targeted at Western powers as the audience, Suharto seemed supportive of the decision taken at the General Assembly IV of the temporary parliament known as *Majelis Permusyawaratan*

²⁶ Regarding returning the people's mandate to MPR in Abdullah, 2009, p.348. New Order's promise on the establishment of the Rule of Law in Vatikiotis, 1993, p.6.

²⁷ Suharto, 1967, op.cit.

²⁸ See Suharto's speech in Suharto, 1968. (Unofficial translation made by the researcher).

²⁹ The US government praised Suharto's sincere dedication to his early pro-democracy policy in the 1967 MPRS session, even though Suharto had the power to impose an authoritarian solution in Telegram from the US embassy in Indonesia to the Department of State 1105Z, March, 15 1967.

³⁰ On the release of Sukarno's political opposition in Ricklefs, 2001, op.cit., p.351; on the disbanding of media such as newspapers, namely Mochtar Lubis's *Indonesia Raya*, Parmusi's *Abadi* and the PSI's *Pedoman* in Ricklefs, 2001, p.357 and Abdullah, 2009, p.366-7; on the brief season of press and socio-cultural freedom in Schwarz, 1994, op.cit., p.33.

³¹ Ricklefs, 2001, op.cit., p.357.

Rakyat Sementara (MPRS). Suharto allowed the MPRS to launch the *Ketetapan MPRS Nomor XIV /MPRS/1966* (MPRS Decree No. XIV/1966). The decree had ordered the formulation of a human rights charter to complete the UUD 1945 (1945 Constitution), a process that had been long neglected by Sukarno after he had previously annulled the *Konstituante*.³² The charter was pertinent because human rights clauses implied in the UUD 1945 Constitution were viewed by legal experts as insufficient protection.³³

Yet, a dualism of human rights policy began to appear as Suharto still retained Sukarno's UUD 1945 Constitution as the main justification for Sukarno's previous authoritarian rule.³⁴ As no mechanism was put in place in the UUD 1945 for parliamentary (MPR) membership and the existence of a stipulation in the UUD stated that every decision of the MPR must be made based on consensus, any chosen leaders would be able to manipulate the decision-making process of the parliament through the process of selecting loyal subjects to be seated in the parliament.³⁵ As a result, after Suharto was formally appointed by the MPR in 1968 as the second President, he managed to create a state-sponsored political party called the *Golongan Karya* (GOLKAR), or Functional Group Party, to control parliament. He then delayed the legislative election scheduled for 1968, as had been mandated in TAP MPRS 1966 to 1971, in order to buy enough time to consolidate power and support for the GOLKAR Party to win the 1971 election and to dominate the parliament consensus.³⁶

Simultaneously, Suharto continued arbitrary killings, arrests, repression and persecutions of members, affiliates and sympathizers of the PKI, despite the fact that the organisation had been banned after the 1965 incident. There were reports that massive human rights abuses had been directed towards former PKI members and communist sympathisers by the general masses and the military in the central and outer regions of Indonesia, making it one of the biggest crimes against humanity of the century.³⁷ In his speech, Suharto made it clear that:

³² Asshidiqqie, 2008, op.cit., p.18.

³³ Ibid.

³⁴ Abdullah, 2009, op.cit., pp.383-5.

³⁵ See Nasution, July 10, 2006.

³⁶ Kasenda, 2013, op.cit., pp.10-11

³⁷ See Griswold, 1970 and according to a number of analysts, PKI victim numbers varied from 74,000 up to 2,000,000 in Cribb, 1990, p.12.

National stability will be achieved expediently if we are united and able to eliminate underground activities of the PKI remnants. Allowing the remnants of PKI to perform political guerrilla [acts], to divide and conquer, and to resurrect themselves means the impossibility to reach such national stability. Indeed, the eradication of PKI to us is therefore, a principle.³⁸

At this stage, the US had been experiencing a number of setbacks in its military campaigns in Vietnam against the Vietcong who were supported by the USSR and PRC. In this regard, the US and Western powers with a heavy interest in winning the Cold War were willing to ignore human rights lapses in ‘friendly’ anti-communist regimes, such as Indonesia, and they condoned such abuses when necessary to assure ‘friendly’ authoritarian regimes in their anti-communism sphere of influence. This resulted in a situation where the promotion of human rights in the region was heavily undermined, despite the existence of the UDHR and the ICCPR.

The impunity given to Suharto’s Indonesia by Western powers was indicated in several ways. Firstly, Indonesia had a smooth re-admission into the UN in 1966 after it had walked out in 1965 due to Sukarno’s *konfrontasi* politics with Malaysia³⁹ and even after the massacres committed by Suharto’s military regime in late 1965. This indicated that the Western powers had encouraged the UN to accept Indonesia’s re-admittance by overlooking Suharto’s bloody take-over.⁴⁰ Secondly, in spite of the human rights violations, Western powers’ relations with Suharto’s military regime were strengthened as military equipment and training continued and foreign donors intensified their support.⁴¹ Such strengthening of relations was captured in an article by the journalist, Max Frankel, in the *New York Times*. He stated that, according to President Richard Nixon, after a number of US military defeats in Vietnam, the turnaround in Indonesia’s domestic politics was vital for US interests, as “Indonesia was the greatest prize for American diplomacy in Asia”.⁴² There were even indications of the US’ direct involvement in the carrying out of the massacre through its

³⁸ Suharto, 1968, op.cit. (Unofficial translation made by the researcher).

³⁹ Griswold, 1970, op.cit. and Panitia Penulisan Sejarah Diplomasi Republik Indonesia (Buku IV B), 1996, , pp.774-5.

⁴⁰ Ibid.

⁴¹ Vickers, 2005, op.cit, p.163

⁴² Griswold, 1970, op.cit. and See Pilger, January 28 2008.

release of a list of prominent communist figures, via the US embassy in Jakarta, to Suharto's military group for strategic elimination.⁴³ Also, at a New York meeting of the Australian-American Association in July 1966, echoing the US' view on the issue, the Australian Prime Minister Harold Holt did not put much emphasis on Indonesia's human rights violations towards communist members and affiliates as he instead said that "with 500,000 to one million communist sympathisers knocked off ... I think it is safe to assume a reorientation has taken place."⁴⁴

4.4 1971-1990: The Anti-Human Rights Rule of the New Order

4.4.1 The New Order's True Colours

In the early 1970s, the split between the USSR and PRC had become apparent due to the increasingly close relationship between the PRC and the US, signalling tri-polarity and the domination of the US and Western powers' position over the fragmented and weakening communist bloc.⁴⁵ This condition resulted in the situation where the trade-off between what would be internationally tolerated and what was required to secure Suharto's power domestically made the latter a relatively easy task. In other words, the anti-communism stance of Suharto's authoritarianism had secured solid support for his rule from the Western powers. With the absence of their contestation of Suharto's militaristic ways and blatant civil and political rights abuses, such as arbitrary arrests and killings that were directed at his political opponents and contenders, including Sukarno, Sukarno's affiliates and PKI members, Suharto consolidated his domestic powers to become the dominant figure in Indonesia's politics. This was accomplished through Suharto's manoeuvring by appointing loyal subjects to seats in the MPRS, delaying the election scheduled for 1966 to 1971, and creating the state-sponsored GOLKAR party. Thus, the expected victory of Suharto's group in the 1971 general election was achieved with relative ease. The election result then justified Suharto's effective control of Indonesia's domestic politics as the appointed President with an

⁴³ See Kadane, May 20, 1990; Griswold, 1970, op.cit. and Geerken2011, pp.252-60.

⁴⁴ See Randell, February 1 2008.

⁴⁵ See MacMillan, 1985, p. 179.

overwhelming executive power over other state institutions based on the UUD 1945, while also being backed by the GOLKAR party in the legislative body and the army.⁴⁶

Such election results immediately impacted on Indonesia's human rights development as the earlier attempts of the Ad Hoc Committee B in perfecting the human rights charter could not be transformed into law due to the failure to reach consensus in the General Assembly No. V of the MPRS in 1968.⁴⁷ After the election in 1971, members of Suharto's GOLKAR party had dominated the MPR and through *Ketetapan MPR No. V/MPR/1973*, the MPR decided to annul the previous *Ketetapan MPRS No. XIV/MPRS/1966*.⁴⁸ This resulted in the abandonment of the human rights charter while still in draft form, as well as the democratic aspirations that were envisioned earlier.⁴⁹

After the 1971 election, Suharto used arguments of the importance of 'national unity' and 'political stability' to forcefully trim the multiparty system into a symbolic three-party system that was controlled by Suharto's authoritarian regime in a policy called *Fusi Politik*. The three parties comprised of Suharto's own GOLKAR party, the weakened PDI party, (which mainly consisted of Sukarno's former sympathisers and Christian parties), and one Islam-influenced party. This forced parties such as Partai Syarikat Islam, *Nadhlatul Ulama* (NU), and small Islamic factions to amalgamate into a party known as *Partai Persatuan Pembangunan* (PPP), or the United Development Party.⁵⁰ Suharto changed the politics of *aliran*, which had been based on ideologies developed during Sukarno's experimentation with liberal democracy (the multi-party system), and replaced it with his state controlled electoral system. Although elections were regularly held in the coming years, Suharto's GOLKAR party always achieved overwhelming victories, making the other two parties mere democratic decorations. Suharto's election successes also reflected his policies that served to further restrict the realisation of civil and political rights in Indonesia.

To further justify his authoritarian policies, Suharto used Indonesia's 1950s experimentation with the Western model of democracy as a harsh lesson in the failure of

⁴⁶ Schwarz, 1994, op.cit., pp.32-3.

⁴⁷ See Asshiddiqie, 2008, pp.18-9.

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ See Abdullah, 2009, p.373 and Kasenda, 2013, pp.74-8.

importing Western ideas, including democracy and human rights.⁵¹ The *Malari* incident in 1974 had exemplified such failure and validated the need for Suharto's New Order regime and the iron hand policy which would serve as a symbol of the beginning of Suharto's authoritarian campaign.⁵² The incident started as an initiative by university students to protest government economic policies on foreign direct investment, matters of equity and disparity issues. This initiative was symbolised by demonstrations during the visit of Japanese Prime Minister, Kakuei Tanaka, which quickly turned into a massive and anarchic riot.⁵³ Suharto responded with a brutal military crackdown on the demonstrations, forcefully restricted student movements within campuses and banned a number of independent media.⁵⁴ Here, Suharto highlighted to the public how the uncontrollable nature of a demonstration could easily transform it into an anarchic riot resulting in a number of casualties. Thus, he argued that importing Western ideas of human rights and democracy into Indonesia's political system had been a failure.⁵⁵

From then on, Suharto was adamant to identify Indonesia as a democracy that was distinguishable from the Western conception of democracy as, according to Suharto, its roots were found in the UUD 1945 and the *Pancasila*, and hence the term 'Pancasila Democracy' was used.⁵⁶ In order to ensure that Suharto's aim was achieved, propagandistic methods were employed during the Suharto era as ways to disseminate his regime's interpretation of the national ideology. His "*Pedoman, Penghayatan, dan Pengalaman Pancasila*" or P4 policy was applied in all public institutions such as schools and the civil service in order to create a uniform national character which was conducive for national development.⁵⁷ He also started to gain an effective control of public information due to his policy of only allowing state-controlled debate or sympathetic media such as the *Televisi Republik Indonesia* (TVRI) and *Radio Republik Indonesia* (RRI) to operate, applying strict censorship in the flow of information and restricting academic freedom.⁵⁸

⁵¹ See McIntyre, 2005, p.100.

⁵² Abdulgani-Knapp, 2007, op.cit., pp.128-31.

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ See Lestiono, 1991, pp.288-90.

⁵⁸ Controlled debate in Vatikiotis, 1993, op.cit, p.107 and "budaya telepon" or telephone culture in Abdullah, 2009, op.cit., p.394.

In addition, like Sukarno, Suharto perceived that the military should have a dual function comprising of its role of safeguarding the nation while, at the same time, being allowed to participate in civilian politics through the politics of *golongan* (functional groupings) or affiliations in a democratic environment.⁵⁹ This meant that the military could participate in politics and government as their seats in the MPR were guaranteed, as well as executive posts such as ministers, governors, ambassadors, judges and attorneys.⁶⁰ Whereas Sukarno had considered the military as an inseparable element of society, as demonstrated by his 'Guided Democracy', Suharto would instead prioritise the entry of military personnel into politics as part of his strategy to control and maintain order under the New Order military regime.⁶¹

Indications that Suharto's anti-human rights policy continued to be tolerated by the Western powers can be seen in their support for Indonesia's 1975 East Timor Campaign. This reflected the Western powers' interest to contain communism in the region.⁶² There were human rights violations committed during and after the 1975 Indonesian military campaigns, with the Balibo incident being one of the most well-known ones. This indicated that the West shared Indonesia's fear of the potential communist threat coming from East Timor should the Marxist-influenced Fretilin group rise to power, as can be seen in the US, UK and Australia's support for Indonesia's position in the UNGA resolutions, from 1975 to 1982.⁶³

4.4.2 Asian Values and Right to Development (RTD)

While the Western powers tolerated Suharto's anti-human rights policy directed mostly at communists and challengers of the New Order, the PRC would instead support Suharto's anti-West human rights policy, as characterised by the 'Asian Values' argument. In the early 1970s, as the US was weary of the USSR-supported North Vietnam's dominance over South Vietnam, the US initiated a *détente* with the PRC. This began with the famous Ping-Pong Diplomacy of 1971 and soon the US and PRC's closeness would replace the Sino-

⁵⁹ Schwarz, 1994, op.cit., p.30.

⁶⁰ Ibid, pp.31-2.

⁶¹ Ibid.

⁶² US awareness of the imminent East Timor Invasion by Suharto as well as Suharto's direct consultations with Presidents Gerard Ford and Henry Kissinger are available in Burr and Michael, 2000.

⁶³ See Panitia Penulisan Sejarah Diplomasi Republik Indonesia (Buku IV B), 1996, op.cit, p.708, 763-7& 1291.

Soviet alliance. Although Suharto's regime did not normalise relations with the PRC until late 1995, the PRC's relations with ASEAN seemed congenial. The PRC continued to engage with Suharto's ASEAN, with US blessings, rather than be in conflict with it throughout the 1980s. In the 1990s, with the PRC's new regionalism, the PRC and ASEAN were even united in their support of the 'Asian Values' argument to deflect Western criticism of their human rights records. They took a leading role in articulating an Asian version of human rights, as exemplified by the 1993 Bangkok Declaration, in preparation for the 1993 Vienna Conference of Human Rights.⁶⁴

Such PRC support had gained ground due to Suharto's own perception of human rights, which was always in contrast with the West and was closer to that of Sukarno's. According to Suharto, within the governing system of the Republic of Indonesia, everybody had rights but such rights must be in accordance with, or limited by, the superior rights of the society or collective rights.⁶⁵ He stated that:

...each individual right is acknowledged and respected but it cannot be separated from the rights of others as every individual is an integrated part of his/her society...such social system which emphasizes family values and togetherness has not only given strength but it has also provided protection from loneliness and isolation as found in most individualistic societies.⁶⁶

Thus, Suharto had retained Sukarno's rejection of Western values in terms of human rights. Suharto also supported the "Asian Values" argument, along with other key Asian leaders. In 1991, the PRC decided to come to terms with ASEAN leaders in order to resist Western pressure over its 1989 Tiananmen incident and to promote the PRC's image as a third world supporter of Asian values.⁶⁷ This arrangement strengthened the arguments already made by Indonesia's President Suharto, Malaysia's Prime Minister Mahathir Muhammad and Singapore's Prime Minister Lee Kuan Yew, which supported the ASEAN emphasis on principles of "non-interference", "consensus" and "respect for sovereignty" in their state relations, especially in dealing with the issue of human rights. In this regard, the coalition of

⁶⁴ See Cheng, 1999, pp. 176-205 and Egberink, 2011, p.24.

⁶⁵ See Munandar, 1994, p.436.

⁶⁶ Ibid.

⁶⁷ See Hosen, 2002, p.28.

the PRC and ASEAN states, in opposing Western attempts to promote human rights, created an external opportunity to be exploited by Indonesia to maintain its authoritarian polity.

Through the “Asian Values” argument, which resonated with his adherence to *Pancasila* values, Suharto denounced Western human rights. According to Suharto, freedom and independence were not the ultimate goal but merely a medium through which to achieve a society that is built by its members to be just and prosperous.⁶⁸ Suharto believed that the main problem faced by developing countries was not the guarantee of human rights protection but rather their low levels of education and underdeveloped economies.⁶⁹ Hence the most important thing would be to create a just and prosperous society for all and not just for the individual.⁷⁰ Suharto said:

...economic and social development is the first step towards the fulfilment of human rights protection as citizens will not be able to exercise freedom of opinion responsibly and constructively. Freedom to associate will be meaningless for the unemployed. Economic and political development must go hand-in-hand with and complement each other.⁷¹

This was proven by Indonesia’s selectivity in signing and ratifying a number of UN human rights conventions. Human rights conventions which did not contradict Suharto's perception were almost immediately adopted, such as CEDAW (signed in 1980 and ratified in 1984) and CROC (signed and ratified in 1990), while CAT was merely used symbolically, as it was not signed until 1985 and the schedule was unclear on when it would be ratified.⁷² Other important human rights conventions such as the Rome Statute, ICCPR and ICESCR which were considered to pose a direct threat to Suharto's New Order regime, were rejected.⁷³

Another mechanism used by Suharto in exploiting the given structural opportunity to maintain his authoritarianism was the utilisation of RTD. Here, RTD is understood as the third generation of rights since the first generation referred to civil and political rights while

⁶⁸ Munandar, 1994, op.cit., p.437.

⁶⁹ Ibid, p. 439.

⁷⁰ Ibid.

⁷¹ Suharto’s speech in Suharto, 1995. (Unofficial translation made by the researcher).

⁷² Ibid.

⁷³ Ibid.

the second generation referred to economic, social and cultural rights.⁷⁴ Whereas the first generation of rights are usually considered to be advocated by liberal states and the second generation of rights by communist states, the third generation of rights were assumed to be voiced by developing states.⁷⁵ The third generation of rights can be considered as solidarity rights among the third world to solve common problems such as the protection of the environment, development and peace.⁷⁶ Indonesia argued for the importance of RTD in the 49th session of the UN Human Rights Commission in 1993.⁷⁷ Suharto's human rights policy regarding RTD is implied in the speech of his foreign minister, Ali Alatas, which reflects the Bangkok Declaration:

...while human rights are indeed universal in character, it is now generally acknowledged that their expression and implementation in the national context should remain the competence and responsibility of each government. This means that the complex variety of problems, of different economic, social and cultural realities, and the unique value systems prevailing in each country should be taken into consideration.⁷⁸

In this regard, human rights implementation is claimed to be highly dependent on Indonesia's history, its cultural and social traditions, and its stage of economic development. According to such logic, Suharto's New Order could violate its citizens' civil and political rights if they were seen as obstructing or diverging from the New Order's planned programme for economic development and political stability. At this stage, Suharto even managed to control civil society and local NGOs and to utilise them in strengthening his development programmes.⁷⁹ This can be seen in the way the early NGOs in Indonesia were considered merely as "developmental NGOs" that were used by the regime to provide input about setbacks in the development programmes but not to criticise them. Meanwhile, the *Tanjung Priok* incident, the Suharto-endorsed *Petrus* programme and the *Marsinah* case are all examples of Suharto's strong stand against his opposition and any dissenting voices by

⁷⁴ See Marks, 2004, p.138.

⁷⁵ Ibid.

⁷⁶ The UN General Assembly proclaimed development as a human right in its 1986 Declaration on the Right to Development in UNGA Resolution 41/128.

⁷⁷ Munandar, 1994, op.cit., p.443.

⁷⁸ Ali Alatas speech in Alatas, 1993.

⁷⁹ See Hadiwinata, 2003, p. 68 & 102.

blatantly violating citizen's civil and political rights.⁸⁰ At the same time, regional unrests and social injustices, fuelled by uneven development, led to the creation of GAM in Aceh province and OPM in the Papua province. Suharto again responded to these regional challenges with military action which caused numerous violations of human rights.⁸¹

4.5 1991-1998: End of the Cold War, Defiance and Economic Crisis

4.5.1 The Alignment of Internal and External Opposition against the New Order

During the Cold War, small or middle power countries which tended to seek alliances with any of the major powers were mostly tolerated in spite of their anti-human rights behaviour as long as they served the major powers' interests to upset the opposing side by 'containment' or 'subversion', as demonstrated by Indonesia's 1965 experience. However, by the early 1990s the Cold War had ended with the USSR's collapse and the emergence of the US as the dominant power in international relations. However, US priority in terms of its regional security changed due to the receding communism threat. This altered the dynamics between smaller powers and major powers. Many states' anti-communism and anti-human rights policies, including those of Indonesia, were no longer positioned under the US' regional security concern to win the Cold War and thus would be irrelevant and could no longer be tolerated.⁸² Furthermore, the ending of the Cold War embodied several positive ramifications for human rights development such as the spurring of new democracies and the increase of globalisation.⁸³ Such changing dynamics can be seen aptly in the change in the US foreign policy emphasis as captured by Clinton's doctrine.⁸⁴ US foreign policy shifted from primarily focusing on "containment" of the global threat to market democracies to "enlargement" of market democracies targeted at "rogue states" and undemocratic states.⁸⁵ Such enlargement included spreading the ideas of a market economy and democracy (inclusive of human rights) to countries which were commonly viewed as undemocratic by

⁸⁰ *Tanjung Priok* in Kasenda, 2013, op.cit, pp.88-9; *Petrus* in Lestiono, 1991, op.cit., pp.336-7 and *Marsinah* in Avonius and Kingsbury, 2008, pp.104-7.

⁸¹ See Mayersen and Pohlman, 2013, p.37.

⁸² See Cingranelli and Richards, 1999, p.513-6.

⁸³ Ibid.

⁸⁴ See Klenetsky, 1993, pp. 60-1.

⁸⁵ Ibid.

the US and thus were considered to pose a threat to their interests. Led by US internationalism, most Western powers' foreign policies acknowledged the pivotal role of human rights.⁸⁶

This would impact Indonesia because its human rights record now began to receive intense international scrutiny. The US under the Clinton administration (1993-1997), headed the questioning of Indonesia's overall human rights record, especially concerning East Timor after the 1991 Dili Incident.⁸⁷ With Clinton's doctrine implemented, the US began to engage in a number of concrete steps such as unilateral sanctions in the form of military and economic embargoes.⁸⁸ Later, US allies such as the EU and Australia followed this example.⁸⁹ This was vividly demonstrated in the 1992 session of the UN Human Rights Commission which intensively questioned Indonesia's human rights policy and produced a report on Indonesia's violations. The report was later supported by the US.⁹⁰

At this time, most Western states tried to influence Indonesia's human rights policies through conditionality mechanisms, mostly by inserting human rights clauses in trade as well as military aid agreements. To complement this strategy, the Western powers stimulated the growth of Indonesia's middle class by financially sponsoring a new breed of Indonesian NGO in order to ignite internal democratic change, as demonstrated in the strengthening and mushrooming of NGOs through underground and grassroots movements referred to as *Arus Bawah*.⁹¹ These included *Lembaga Bantuan Hukum* (LBH) or the Legal Assistance Institute; *Lembaga Penelitian, Pendidikan dan Penerangan Ekonomi dan Sosial* (LP3ES) or the Institute for Social Economic Research Education and Information; *Wahana Lingkungan Hidup Indonesia* (WALHI) or the Indonesian Forum for the Environment; and the Democratic Forum. They differed from the older types of NGO that had been government related and had tended to collaborate strictly in advancing the New Order's economic and development programme.⁹² In other words, the Western inducements which mostly occurred during the 1990s had contributed to shake the very foundations of Suharto's 'New Order'

⁸⁶ See Dumbrell, 2002, p.43.

⁸⁷ Klenetsky, 1993, op.cit.

⁸⁸ Vatikiotis, 1993, op.cit., pp.200-21

⁸⁹ Ibid.

⁹⁰ Schwarz, 1994, op.cit., p.228

⁹¹ Chalmers, 2006, op.cit., pp.259-67.

⁹² Ibid.

ideology through the process of '*Westernisasi*' and '*Demokratisasi*' in all aspects of life by articulating the need for a Western style democracy.⁹³

Sensing the different tone coming from its former allies, Suharto's Indonesia initially maintained its strong stand against such direct meddling in its internal affairs. Indonesia began by threatening to cease its economic liberalisation and refused to follow the Western insistence on the prioritization of human rights.⁹⁴ Indonesia then further substantiated its threat by expelling the IGGI donor group in 1992 for 'interfering' in Indonesia's domestic affairs, and continued to break down opponents and insurgents and deny allegations of human rights violations by resorting to the state sovereignty principle as displayed in its East Timor, West Papua and Aceh cases.⁹⁵ Simultaneously, Indonesia began to reinstitute its prominent role in NAM, as seen in Suharto's leadership of the 10th Summit held in Jakarta in 1992, in which the President tried to fend off Western criticism of Indonesia's practice of democracy and human rights by stating that:

...it is a logical consequence of the right of every nation-state to have its own personality and national culture as well as the right to determine its own social and political system. Therefore, the main reason for developing and protecting human rights as stipulated in the UN charter is to establish cooperation to increase respect and protection for these rights. And, not to accuse, to force incompatible values or worse, to use human rights issues as a political conditionality for economic and development cooperation.⁹⁶

The end of the Cold War had tremendous repercussions for Indonesia's human rights policy. The international exposure of the 1991 Dili incident in the province of East Timor had forced Suharto to agree to the establishment in 1993 of the National Commission on Human Rights (KOMNAS HAM) in order to deal with growing internal and external scrutiny.⁹⁷ The KOMNAS HAM was designed to address human rights violations, particularly in the case of

⁹³ Ibid.

⁹⁴ See Weatherbee, 2007, pp.39-40.

⁹⁵ Kasenda, 2013, op.cit.

⁹⁶ Suharto's speech in Suharto, 1992, pp.11-3. (Unofficial translation made by the researcher)

⁹⁷ Munandar, 1994, op.cit., pp.443-4 and KOMNAS HAM and human rights progress for international consumption in Schwarz, 1994, op.cit., p.254.

East Timor.⁹⁸ Such a move greatly symbolised Suharto's weakening position as an authoritarian leader, especially as the commission was formed after Indonesia had effectively expressed its agreement with universal rights through its support for the 1993 UN Vienna Declaration and its programme of action on human rights.

In spite of the signs of a weakening regime, from 1995 onwards Indonesia continued to resist Western influences on Indonesia. Realising the decline in the communist threat symbolised by the USSR's retreat from Vietnam, Suharto began to capitalise on the changing external environment. For example, Indonesia under Suharto began re-energizing its close relations with Russia from 1989 onwards and reopened diplomatic relations with the PRC in 1995.⁹⁹ Then, Indonesia encouraged ASEAN to allow communist and socialist states in the region, such as Cambodia, Laos, Myanmar and Vietnam (CLMV), to become members in what seemed to be Suharto's balancing act between non-communist and communist states in the region and his effort to balance the increasing 'threat' of the US hegemony. A further counter-attack was demonstrated in Ali Alatas's action as Indonesia's foreign minister when he led the attack on the ASEAN-EC trading clauses since Europe began to entrench human rights clauses into the region's trading arrangements.¹⁰⁰ The latest, in 1997, was Indonesia's suspension of the purchase of the US F16 fighter jet in response to the vigorous criticism by the US of Indonesia's human rights conditions.¹⁰¹

4.5.2 Uncontrollable Pressure and the End of the New Order

In 1997, however, the Asian Financial Crisis struck Indonesia. This had an unprecedented snowballing effect on Indonesia's economy as the Central Bank of Indonesia lost its control over the Rupiah and the foreign exchange fluctuated extremely. The direct result was a steep increase in the price of basic needs or *sembako* and people in general began to articulate their dissatisfaction of the New Order's handling of the crisis. As economic development had been the main pillar for Suharto to justify his rule, the crisis showed

⁹⁸ Chalmers, 2006, op.cit., p.200.

⁹⁹ Panitia Penulisan Sejarah Diplomasi Republik Indonesia (Buku IV B), 1996, op.cit.

¹⁰⁰ Vatikiotis, 1993, op.cit., p.200.

¹⁰¹ Kingsbury, 1998, op.cit., p.170.

Suharto's regime to be underperforming the economic tasks of which it had previously boasted. The crisis also contributed to the democratic opening for Suharto's opposition and for civil societies to work with existing international human rights groups to put pressure on the New Order regime.¹⁰²

Suharto, with the advice of his economic team, asked for an economic remedy from the US, the IMF and the World Bank by requesting that large sums of money be given to overcome the crisis.¹⁰³ The IMF and World Bank forced Suharto to remodel Indonesia's economy, and to base its socio-political platforms on a neoliberal blueprint, through a conditionality mechanism which was directly linked to the provision of the loan.¹⁰⁴ IMF-Structural Adjustment Programs had also produced heavy inflation rates, job losses, and higher taxes which brought further impediments to the New Order government that led to its downfall in May 1998. In addition, the US had already been financing Indonesia's domestic NGOs with large amounts of money since 1995 to mobilise them against Suharto's rule.¹⁰⁵ The Western powers were also united in demanding democratic reform for Indonesia.¹⁰⁶ Thus Western countries, neoliberal institutions and NGOs pressured Suharto's regime to respect civil and political rights.

During the last stage of his leadership, with the ramifications of the end of the Cold War evident in the external environment, and the economic turmoil and mass movements unfolding in the domestic environment, Suharto's New Order regime was incapable of carrying out the trade-off between what was desirable internationally and what was acceptable domestically as it had managed to do effectively in the earlier years of its rule. Instead, the New Order's last reckless attempt to remain in power, through ordering the shooting of university students during the *Trisakti* University student demonstrations in May 1998, resulted in a number of students' deaths. This aggravated the problems that it already faced.¹⁰⁷ As the tragedy was widely covered by the domestic and international media, this allowed academics, university students, NGOs and Suharto's political opponents to gain momentum by organising a 'people power' movement aimed at overthrowing Suharto,

¹⁰² "Indonesia's Democratic Opening" in Liddle, 1999, op.cit., p.2 & 15-7.

¹⁰³ See Singh, 2000, pp.78-9.

¹⁰⁴ See Robison and Rosser, 1998, pp. 1593-609.

¹⁰⁵ See Zon, 2004, 1998.

¹⁰⁶ See Knowlton, May 21, 1998.

¹⁰⁷ See Greenlees, November 4, 1998 and Aspinall, Feith and Klinken, 1999, pp.157-8 & 164-5.

known as the *reformasi*. With the economic crisis unfolding and reports of human rights violations ongoing, contenders for Suharto's position, such as Megawati Sukarnoputri as the head of PDIP, Abdurrahman Wahid as the head of *Nadhatul Ulama*, and Amien Rais as the head of Muhammadiyah, were given an opportunity to pressure Suharto into stepping down. This was successful and brought an end to Suharto's 32-year hold on power.

4.6 A Neorealism and Neoclassical Realism Explanation

4.6.1 The Cold War Analysis

According to the neorealist assumption that external constraints directly translate into policy outcome, the ideal Indonesian policy during Suharto's early rule was to bandwagon with the West completely. The first reason was because the Western powers had provided the necessary support for Suharto's New Order to prevail over Sukarno's regime by downplaying the issue of succession (namely the possible *coup d'etat* and the questionable takeover from Sukarno) as well as restricting the massacres of the PKI members from international scrutiny. The second reason was due to the fact that the USSR and PRC influences in Indonesia after the 1965 incident were weakening, while the US was trying to strengthen its position in Indonesia after the defeat in Vietnam.¹⁰⁸ Such a policy was reflected in Suharto's agreement to democratise, to uphold pro-West human rights and to join the "free world" symbolised by Suharto's newly founded democracy and the creation of ASEAN during the 1966-1970 period. Therefore, it can be argued that Suharto's human rights policy, that reflected Western conceptions of human rights, was part of Indonesia's bandwagoning behaviour with the Western powers. This argument is also strengthened by the fact that almost every crucial step of Indonesia's policy-making during the early years of Suharto's rule, especially those involving sensitive human rights issues, was done via direct consultation with its Western partners, as can be seen in the East Timor issue and the handling of political detainees (TAPOL) in the 1970s.¹⁰⁹

¹⁰⁸ See Philpott, 2006, p.139.

¹⁰⁹ See Pusat Dokumentasi dan Perpustakaan Badan Penelitian dan Pengembangan Masalah-masalah Luar Negeri Deplu RI, 1978, p.42. On 12 -14 January 1978, Soeharto received Mrs. Patricia Derian, a special envoy of the US Minister of State on Human Rights Matters, and held an hour-long talk in Bina Graha. After the meeting, Mrs. Patricia Derian stated that she was impressed with Indonesia's handling of the G.30.S/PKI issue

However, a dualism in Indonesia's human rights practices under Suharto was evident during the period of 1966-1973 when both pro-human rights and anti-human rights actions were seen. From a neorealist perspective, Suharto's human rights abuses towards domestic communist affiliates and former members of the PKI still reflected Indonesia's bandwagoning behaviour with the West, as it was still consistent with the Western powers' strategic interests to defeat communism. Yet, particularly after the 1974 *Malari* incident, Suharto decided to end his pro-West human rights policy. Suharto would then, instead, pursue an overall anti-West human rights policy which bore a close resemblance to Sukarno's human rights policy during the "Guided Democracy" era, defying neorealism logic. This can be seen from the mid-1970s onwards, when Suharto began to abandon Indonesia's bandwagoning behaviour with the Western powers by repressing protesters, restricting freedom of expression in the media and on campuses, and stipulating that Western democracy was incompatible with Indonesia's governing ways by highlighting its 'failure' in the 1950s. This was partially against Western powers' interests at the time, as most would have preferred Indonesia to be more democratic, even though it was maintaining an anti-communist stand.¹¹⁰

According to the neoclassical realist "domestic power structure-leader's perception" model, the perceptions of key leaders and the domestic structure are important intervening variables in explaining Indonesia's human rights policy. From 1966 to 1970 Suharto as the uncontested leader of Indonesia had enough support from the Western powers to consolidate his rule domestically because he had distanced himself from Sukarno by advocating democratic changes, even though such changes were not pursued through democratic means. Based on the UUD 1945, state institutions such as the executive and the legislative bodies were heavily underdeveloped and Suharto managed to capitalise on this condition. He did this by bringing his own personal rule to the legislative body through his sponsorship of the GOLKAR party and by putting his own military protégés into crucial executive and judiciary body positions, such as ministers, governors, ambassadors, judges and attorneys. Societal forces such as the media and civil society were also manipulated and propagandised by

in which the Indonesian government had released 10,000 prisoners (golongan B) and stated that such an act would be well accepted by the international community.

¹¹⁰ NGOs in Western countries had pressured their governments to demand the release of Indonesia's TAPOLs in the 1970s and to pressure Indonesia in East Timor in Glasius, 1999 and Jetschke, 2011.

Suharto's military regime by making the PKI and Sukarno the scapegoats of the 1965 incident and, hence, the public gave their uncontested support to Suharto's rule.

By having effective control of all domestic institutions, Suharto became the dominant figure within Indonesia's domestic power structure, in which his perception became the only crucial internal variable in the deciding of policies to respond to external imperatives. Regarding Suharto's perceptions, in contrast to Sukarno, he did not perceive the Western powers as a threat and he considered Indonesia a pragmatic and independent state.¹¹¹ As Indonesia had become a modern state, in contrast to Sukarno's Indonesia that was in the state formation stage, Robert Putnam's 'Two Level Game' logic, is applicable in understanding Suharto's pro-West stand. 'Two Level Game' logic stipulates the need for leaders to maintain a balance between their domestic constituents and foreign imperatives in order to maintain their rule, and such balance is referred to as 'synergistic linkage' between external-domestic imperatives.¹¹² Consistent with this logic, Indonesia's condition under Suharto's rule served as an early indication of the establishment of a direct interplay between external imperatives and domestic concerns, as demonstrated by Suharto's early manoeuvres to maintain power. This can be seen in Suharto's temporary bandwagoning strategy with the Western powers to consolidate his internal power (mainly from the threat of Sukarno's regime) and in Suharto's embrace of the Western democratic system, the foreign capital-heavy economic system and his dualism of policy in terms of human rights during his early rule (1966-1974).

However, such a temporary bandwagoning strategy, namely Suharto's early democratic changes, turned out to be symbolic in nature and Suharto's policy on human rights shifted in the 1970s. This policy shift was due to Suharto's changed perception of human rights and democracy after the 1971 general election, and particularly after the 1974 *Malari* incident. Here, domestic inferences, namely Suharto and his perception of threats, had a major part to play in the making of Indonesia's anti-human rights policy. After the general election in 1971 and the *Malari* incident in 1974, Suharto, as the dominant figure in Indonesian politics, began to perceive that the main threats to his Indonesia and *Pancasila* could emanate from two sources: 1) the extreme left, which were the communist movements;

¹¹¹ See Sukma, 1995, pp. 312 and Leong, 1998.

¹¹² Putnam, 1998, op.cit., p.447.

and 2) the extreme right, which supposedly referred to the Islamic and liberal movements.¹¹³ As a result of his perception of these threats, Suharto began violating human rights by arbitrarily and indiscriminately suppressing communist, nationalist, liberal and Islamic individuals, movements and parties. He also maintained that *Pancasila* should be the only ideology for the people, leading to the creation of a concealed form of authoritarian rule called the 'Pancasila Democracy'.¹¹⁴ 'Pancasila Democracy', like Sukarno's 'Guided Democracy', was a distinctive style of democracy which can be contrasted with the Western style of democracy and can be categorised as an innovation on Suharto's part to balance external influences upon Indonesia through internal balancing, instead of simple bandwagoning behaviour.

Given the external opportunities at the time, namely the tri-polarity of the Cold War among the USSR, PRC and US, Suharto also successfully forged a compromise between the Western powers' strategic concerns (communist containment) in the region and Indonesia's own interests to suppress internal opposition movements (through the internal balancing argued earlier) that were perceived to endanger the New Order's rule as well as Indonesia's expansionist agenda (East Timor). Here, compromise means a risk-averse behaviour and a relaxed version of bandwagoning, as opposed to balancing.¹¹⁵ The Western powers could have pressed harder for democracy and human rights, especially with the East Timor issue, but, due to strategic considerations of the Cold War, the Western powers accepted Suharto's compromise. This was demonstrated in their tolerance and impunity for Suharto's 'Pancasila Democracy' and anti-human rights policy as long as he kept the communist movements within Indonesia in check throughout the Cold War. In this regard, the neoclassical realist assumption of the importance of intervening domestic variables is valid to explain Indonesia's policy shifts from a symbolic pro-West human rights policy, yet anti-human rights policy towards communists (policy dualism), to a completely anti-human rights policy.

At the same time, if seen from the 'Two Level Game' logic, the external and internal conditions of Indonesia during the period of the 1970s to late 1980s also highlighted Suharto's effectiveness in maintaining the balance or reaching a condition of 'synergistic

¹¹³ Abdullah, 2009, op.cit., p. 368.

¹¹⁴ Kasenda, 2013, op.cit., pp.86-8& 97.

¹¹⁵ Compromise as bandwagoning in He, 2008, pp.51-2.

linkage' in the interplay between Indonesia's external and internal politics. Here, Suharto was able to find ways to align himself between what was acceptable externally and what was tolerable internally. This can be seen in the toleration shown by the US and Western powers, as well as Indonesia's own domestic population, towards the New Order's blatant violation of human rights in East Timor in 1975 and Suharto's authoritarian repression of domestic democratic forces from 1971 and the *Malari* incident in 1974, all the way through to Indonesia's human rights abuses in the 1980s in the name of economic development. Despite such indications, however, Indonesia's closeness to the PRC through ASEAN and RTD had also projected Indonesia's probable shift from an anti-Communist and pro-West stand to an anti-Communist and anti-West stand which was, nevertheless, still tolerated by Western powers in the context of the Cold War.

4.6.2 The Post-Cold War Analysis

The end of the Cold War presented Indonesia with a new and crucial systemic change, in which the pressures and threats to Suharto's New Order regime were now actually coming from the Western powers, led by the US. The Western powers, for example, abandoned their earlier compromise with Suharto's Indonesia and could no longer tolerate his anti-human rights policy, as demonstrated by the banning of both military aid and sale of jet fighters while enforcing a conditionality mechanism in linking human rights clauses to trade agreements, as seen in the ASEM agreement.¹¹⁶ Based on neorealist assumptions, Suharto should have opted to maintain his bandwagoning strategy with the Western powers in the post-Cold War era by heeding to the external pressure due to the geopolitical changes which included the need to improve Indonesia's human rights policy. This was because Western powers had been Suharto's main source of support for power and impunity.

However, since the human rights values promoted by Western powers was in contradiction with New Order's emphasis on collective and developmental rights, Suharto began to see the Western powers as a threat to his Indonesia. While Suharto's control of the domestic power structure remained relatively effective throughout his rule, his progressive change of perception from viewing the Western powers during 1966-1973 as a possible ally

¹¹⁶ Vatikiotis, 1993, op.cit.

to a mild threat to the New Order during 1973-1989, and then as an imminent threat in the post-Cold war period, indicated the significance of a leader's perception as a crucial intervening variable in interpreting the external environment. The dominance of Suharto's perception also indicates the validity of neoclassical realism in analysing Indonesia's shift in terms of human rights policy as the sole interpreter of Indonesia's external imperatives. The research also finds that Suharto's perception of Indonesia's increased relative power distribution from a pragmatic, non-aggressive nation to a vocal advocate of 'Asian Values' is crucial in determining whether Indonesia would bandwagon or balance the Western powers.

Being challenged by the Western powers in the post-Cold War era, Suharto viewed Indonesia's relative power distribution as strong and he began applying either indirect external balancing or a hedging policy and internal balancing instead of sheer bandwagoning.¹¹⁷ Hedging, here, refers to a state's indirect balancing act that is combined with engagement because of uncertainty over whether bandwagoning or balancing will be more beneficial.¹¹⁸ With regard to his indirect external balancing act, Indonesia began to hedge by resuming diplomatic and trade relations with the PRC and Russia in the 1990s while at the same time expelling the IGGI in 1992 as a sign of a deterioration of relations with the West. Then, with PRC support, Indonesia, Malaysia and Singapore were enjoined in the 'Asian Values' campaign by deflecting Western pressures through ASEAN, namely through the principles of 'non-interference', 'consensus' and 'respect for sovereignty'. To accompany such a claim, Indonesia also tried to introduce the importance of RTD as a human rights norm to contest other human rights norms, namely civil and political rights, as part of its balancing strategy.

Another form of soft external balancing displayed by Indonesia was its reinvigoration of the NAM as a third world diplomatic coalition, through its 1992 NAM leadership. Through NAM, Indonesia began emphasising the need for a balance between the promotion of individual rights and the needs of community rights. Indonesia also raised the significance of national competence in promoting and protecting such rights and refused to accept external meddling in Indonesia's domestic affairs, particularly regarding its human rights practices as

¹¹⁷ Ibid.

¹¹⁸ See Goh, 2006.

captured in Indonesia's 1992 NAM communiqué known as the 'Jakarta message'.¹¹⁹ At the same time, Indonesia applied internal balancing by emulating a democratic institution through the establishment of KOMNAS HAM or a national commission on human rights with domestic jurisdiction to investigate the 1991 Dili case, in order to avoid international jurisdiction and further international attention on the issue.¹²⁰

In explaining the last stage of Suharto's leadership, according to neorealism, although states are free to determine their behaviour in response to external constraints or opportunities in which domestic variables could be influential, but a misreading of these external conditions (such as balancing when they should have been bandwagoning and vice versa) entails risks. This appears to be the case during the 1990-1998 period. Although Suharto managed to resist such pressures for quite some time through the above-mentioned measures, he nevertheless gave in to the Western pressures as his regime was incapable of sorting out Indonesia's multi-dimensional crisis, instigated by the 1997 economic crisis.

If seen from neorealism perspective, Suharto's downfall reflected the Western powers' prioritisation of the need for improvement in Indonesia's democratic and human rights policy development as a condition of assistance to be given to the Suharto regime to solve Indonesia's economic crisis.¹²¹ This can be seen in the West's support, as 'donor' countries, for Indonesia's innate democratic movement by increasing financial and political assistances to Indonesian civil society groups starting from the middle of the 1990s, despite the fact that such groups were still fragmented, scattered and ineffective in undoing Suharto's determined authoritarian control.¹²² Such room for change finally came about through the IMF and World Bank assistance to Suharto's government in dealing with the 1997 economic crisis. This ultimately resulted in a regime change in Indonesia as the Western powers' exploitation of Indonesia's financial crisis opened up the space for the domestic democratic movement to gain momentum. Finally, the success of Western pressures on the New Order regime by exploiting the economic remedies given and fostering domestic linkages comprising of democratic movements, local NGOs and Suharto's domestic opponents was

¹¹⁹Soft balancing through diplomatic coalitions in Paul, 2005, pp. 46-71 and Point 18 in "The Jakarta Message: A Call for Collective Action and the Democratization of International Relations", 1992.

¹²⁰ Internal balancing by emulating democratic practice or a governing system in Taliaferro, 2006, op.cit., pp. 464-495 & 471.

¹²¹ See Steve H. Hanke interviewed by Senator Mike Capo, 2000.

¹²² Zon, 2004, op.cit., and See Heryanto and Hadiz, 2005, p.268.

enough to force Suharto to step down from the head of Indonesia's domestic power structure.¹²³

Although neoclassical realism concurs with the constraints and the outcome provided by the abovementioned neorealism explanation, but neoclassical realism provides more detailed reasonings in terms Suharto's policy options. If seen from neoclassical realism "domestic power structure-leader's perception" model, despite of the immense external pressures to democratise, the main reason for the democratic opening as well as Suharto's downfall was due to Suharto's and his regime's misperception of threat and the solutions to the crisis. Such misperception led to the grave mistake of the regime to seek remedies in terms of advice and loans from the source of threat (IMF and the US) to overcome the crisis.¹²⁴ In other words, to cope with the crisis, Suharto and his ill-advised economic team perceived that they had to bandwagon with the source of threat rather than to balance as their rational solution to the crisis at the time.¹²⁵ This can be seen as a misreading or a misperception of the external constraints and solution since the US and Western powers were more interested in creating a condition for Suharto to step down rather than to assist Suharto and the New Order regime in recovering its economic performance.¹²⁶ This resulted in the aggravation of the situation as a form of systemic punishment. For example, as a consequence of Indonesia's bandwagoning behaviour, IMF's misguided recommendations to cut down fuel subsidies and shut down banks worsened the economy and angered the Indonesian public and businesses.¹²⁷ As waves of demonstrations ensued, Suharto's New Order responded to the chaotic situation by violating the human rights of the protesters which further destroyed Suharto's domestic credibility and rule. In complementing such neoclassical realism analysis, if seen from "Two Level Game" logic, Suharto's wrong policy option in the handling of the crisis disrupted the existing balance between what was accepted externally and what was tolerated internally, which Suharto had effectively maintained for 32 years. At

¹²³ Steve H. Hanke, 2000, op.cit.

¹²⁴ This qualifies as a source of threat since Western powers and Western-led financial institutions such as IMF, World Bank, and IGGI had been viewed as a potential threat by Suharto's regime prior to the crisis. Suharto's warnings on Western powers meddling in Indonesia's human rights matters and the usage of economic conditionalities to advance Western human rights interests as seen in the "Jakarta Message" are clear indications of such perception of threat.

¹²⁵ Balancing here could be done by seeking for alternative ways to fix the economy that did not involve the IMF or the US. One of the most obvious examples was Suharto's earlier attempt to peg the Rupiah based on Steve Hanke recommendation in Steve H. Hanke, 2000.

¹²⁶ Ibid.

¹²⁷ See Kartasasmita, 2001, pp.7-9.

this stage, all Suharto's manoeuvres to maintain the balance had become irrelevant since the end of the Cold War had made Indonesia's anti-Communist authoritarian regime no longer acceptable to the US and other Western powers, while the New Order's incapability to sort out the financial crisis had eroded the domestic justification for its authoritarian governing. Ultimately such condition created an alignment of external and internal forces in forcing Suharto to step down.

4.7 Conclusion

This chapter argues that Suharto's policy shifts from bandwagoning to hedging/external balancing and then to internal balancing could not be determined only by structural changes as, instead, they also were heavily affected by domestic imperatives which in turn affected Suharto's implementation of an anti-Western human rights policy. As argued above, the interplay between the external and internal variables certainly affected Indonesia's human rights policy. Such interplay indicates a possible deviation from neorealism assumption although it will still be restricted within neorealism constraints. In this regard, neoclassical realism would still argue that the external constraints are the primary determinants of Indonesia's human rights policy, but this has to be supplemented by an investigation into domestic factors in order to better understand the policy choices made.

The research finds that, apart from the President or the head of the executive, other domestic political institutions within Indonesia's domestic power structure were becoming less relevant during Suharto's rule. This was mainly due to external support for Suharto's authoritarian rule, based on his retention of UUD 1945 which negated opposition, prevented development of state institutions and subdued societal forces. This resulted in a condition where, as the dominant figure, Suharto and his perceptions become the key factors in deciding Indonesia's human rights policy continuation or shift in response to external imperatives. In this regard, the less developed the state institutions and political opposition groups, the more prominent is the individual ruler in policy-making, especially if the individual ruler had also earned the support of the Western powers to safeguard his rule. In this sense, the incorporation of the 'Two Level Game' explanation is needed to understand Suharto's reasoning, as well as his objective in his pro-West stand and human rights policies,

and to complement neoclassical realism's 'domestic power structure-leader's perception' explanation.

Hence, the changing stances of the Western powers towards Indonesia's human rights conditions, both during and after the Cold War, clearly had an indirect impact on Indonesia's policy outcomes. For example, this condition allowed Suharto, as the key interpreter of external constraints, to shift Indonesia's human rights policy from the one that was part of his bandwagoning strategy, (as seen in his dualism of policy), to the one that was part of his balancing strategy, (anti-West human rights policy), in accordance with his changing perceptions of the Western powers from potential opportunity to potential threat. Thus, the more concentrated power was in the hand of a single leader, the easier were the policy choices that could be pursued, as demonstrated by Suharto's abrupt shift from bandwagoning to a balancing strategy, without facing any significant domestic hurdles. In addition, this research also finds that Suharto's ousting from power by the collaboration between foreign and domestic forces can be explained by neorealism, neoclassical realism and 'Two Level Game' theory. Neorealist and neoclassical realism explanation indicate that policy shifts of Indonesian government during the period resulted in the systemic punishment, namely a multi-dimensional crisis which led up to the downfall of the New Order government whereas 'Two Level Game' logic elaborates on why the upsetting of the balance between the external and internal imperatives contributed significantly to the downfall of Suharto.

The next part of the research will further explore Indonesia's human rights policy shift and continuation in the post-Suharto era. The bringing down of Suharto clearly opened the possibility for Indonesia to have better conditions for human rights as a policy shift was imminent. Indonesia's human rights policy shift or continuation, once again, will be analysed using neoclassical realism.

CHAPTER 5

Indonesia's Human Rights Policy during *Reformasi*: 1998-2004

5.1 Introduction

Following on from the previous chapters, the discussion of Indonesia's history in this chapter has reached the transitional period, from an authoritarian system to a democratic one, known as the *reformasi* period. During the *reformasi* period, from 1998 to 2004, Indonesia had three consecutive leaderships facing different external and internal circumstances. This chapter explores whether these differences resulted in human rights policy shifts or continuation as well as the relevance of the neoclassical realism "domestic power structure-leader's perception" model as an explanation.

The first part of the research will look at the human rights policy of Habibie, Indonesia's third President, and the environment in which it was formed. It explores Habibie's efforts to shift Suharto's anti-West human rights policy to a pro-West human rights policy, even though his leadership remained, institutionally, part of Suharto's "New Order" regime. The second part will explore Habibie's successor, Abdurrahman Wahid, and his choice of human rights policy. Throughout Wahid's brief period of rule between 1999 and 2000, most of Habibie's human rights reforms remained largely intact. This part will investigate why Wahid seems to have been resisting the Western powers while remaining committed to his own agenda of human rights improvement. The third part analyses Indonesia's human rights policy under Megawati, as Wahid's successor. It explores Megawati's shift to a *Pancasila*-ist human rights policy just as she was seemingly joining the Western powers in the 'War on Terror' campaign.

5.1.1 Neoclassical Realism "Domestic Power Structure-Leadership Perception" Model

When Bacharudin Jusuf Habibie came to power in 1998, Indonesia was facing immense external constraints symbolised by Western powers pressure to democratise and to

respect human rights. And just like his predecessor, Habibie's response was swift and had catered most of external demands for Indonesia such as to foster democratic changes and respect human rights and to provide democratic solutions for Indonesia's East Timor province. The points that need to be addressed here is why Habibie, a prominent figure from the New Order, decided to side with democratic movement and abandon his regime's anti-human rights policy as seen in the agreement to hold a referendum for East Timor. If the reasons, if seen from neorealism logic, were assumed to be due to the immense external pressures exerted by Western powers towards his rule, then why Habibie still failed in maintaining his leadership despite of heeding excessively to the external pressures as seen in the democratic changes made and East Timor secession from Indonesia. At the same token, why did he also looked into human rights cases which may not involve external pressures such as the human rights violations involving Indonesian ethnic Chinese. In this regard, Habibie's human rights policies seemed perplexing for both his own regime and the pro-democracy advocates. Though seemingly explained under the assumptions of neorealism, but Habibie's peculiar policy choices, nevertheless, needed to be further investigated via neoclassical realism involving "domestic power structure" and "leader's perception" variables to better understand Habibie's reasoning behind such anomalies.

Meanwhile, as democratic forces became increasingly influential during Abdurrahman Wahid's presidency and external constraints were softening as demonstrated by the lessening of Western pressures towards Indonesia (especially as the East Timor issue had been resolved) Wahid's pro-human rights policies seemed to become the dominant feature in terms of policy options. The interesting question would then be why Indonesia's relation with the Western powers did not greatly improve despite of having been transformed into a democracy. Simultaneously, why Wahid, known for his democratic agenda, was ousted by the newly strengthened and democratic parliament and why Indonesia's internal security and stability seemed to be at risk under Wahid's democratic and pro-human rights rule. As Indonesia was transformed into a democracy, analysts therefore needed to open the domestic 'black box' in explaining anomalies in Wahid's policy choices and, thus, foil the assumptions of neorealism. This increases the potential of neoclassical realism as a tool of analysis in explaining Wahid's human rights policies, which can be distinguished from Habibie's, as will be further explored in the section of this chapter dedicated to a study of Wahid's rule.

Similarly, when Megawati Sukarnoputri took over from Wahid, Indonesia's external constraints were in the process of shifting from being substantially reduced to becoming an open opportunity for Indonesia, particularly after the unfolding of the 2001 World Trade Center (WTC) terrorism incident and the later domination of the US 'War on Terror' campaign. At that time, though provided with external opportunity, Megawati's policy options (inclusive of human rights policy) were substantially constrained by the recent development of Indonesia's domestic democratic environment. Yet, in spite of domestic constraints, Megawati seems to have been successful in bypassing domestic hurdles. This again points to the need for further exploration through the usage of neoclassical realism variables in explaining the Megawati's continuation or shift from Wahid's pro-human rights policies and the possible link between Megawati's human rights or anti-human rights policy and the US 'War on Terror' campaign worldwide.

5.2 Bacharudin Jusuf Habibie's Pro-West Human Rights Policies: 1998-1999

5.2.1 Mounting External Pressures

As the first President of the post-Suharto era, Habibie assumed transitional power from being Vice President under Suharto to becoming Indonesia's third President in June 1998, through the indirect appointment stipulated by Suharto in his resignation speech. By this time, as a continuation of Clinton's international 'democratic enlargement' agenda that had begun during Suharto's period, the US and its allies, including Australia and the EU, had intensified their pressures upon Indonesia by demanding significant improvements in terms of human rights, particularly regarding East Timor.¹ The external pressures faced by Indonesia at the time could be seen in two ways.

Firstly, the political pressure to democratise and uphold human rights involved sanctions.² Indonesia was confronted with the already established transnational advocacy coalitions between the local NGOs, such as *Komisi untuk Orang Hilang dan Tindakan Kekerasan* (KONTRAS) or Commission for the Disappeared and Victims of Violence, LBH,

¹He, 2008, op.cit., pp.58-9.

² Ibid.

WALHI and LP3ES, and INGOs such as Human Rights Watch, Amnesty International and the East Timor Advocacy Network (ETAN) that were critical of Indonesia's human rights records and were supported by Western powers and their allies.³ This resulted in at least three major demands for reforms, coming from within Indonesia itself, namely: 1) a guarantee for human rights as included in the 1945 Constitution; 2) an investigation into Indonesia's past external human rights violations; and 3) improved internal human rights conditions.⁴ To accompany such internal demands, Western powers' sanctions played a crucial part in forcing Habibie to comply with external demands. The US, for example, began to sanction Indonesia by freezing the US-led military training program, International Military Education and Training (IMET), in October 1998, and by suspending military sales in September 1999 in response to the violation of human rights in East Timor.⁵ In addition, Australian Prime Minister John Howard sent a letter to Habibie in 1998 which highlighted Australia's human rights concerns for East Timor.⁶

Almost at the same time, the PRC government voiced its concerns about Indonesia's violation of human rights that had been directed against its Indonesian-Chinese population at the time of the May 1998 riot, prior to the end of Suharto's rule.⁷ It had been reported that there were deliberate acts of inciting chaos and disorder in the community, resulting in horrendous acts of killing, torture and rape directed against the Chinese minority in the events leading up to the May 1998 riot.⁸ In responding to such violations, initially the PRC government had been mute because its position has always been that human rights matters belong within a state's internal affairs.⁹ However, as public pressures began to mount in Beijing, the PRC government then issued a direct statement to Habibie's government to investigate the matter and to bring the perpetrators to justice.¹⁰ This was a rare occurrence of the PRC's interference in the handling of Indonesia's domestic human rights issue.¹¹

³ Most of the funding of local NGOs (WALHI and LP3S in particular) was from US AID or the Ford Foundation in See Lounela, 2002, p. 21 and human rights pressure made by these NGOs in Jetschke, 1999, p.161.

⁴ Hosen, 2002, op.cit., p.38.

⁵ He, 2008, op.cit., pp. 58-9.

⁶ Ibid, p.58.

⁷ Ibid, p.60 and Sukma, August 2009, pp. 597-8.

⁸ Ibid, He, p.61

⁹ Sukma, August 2009, op.cit., pp. 597-8.

¹⁰ Ibid.

¹¹ He, 2008, op.cit., p.61.

Secondly, it was the external market pressures led by Western powers which had put Indonesia in a difficult bargaining position to maintain its anti-human rights policy, as Indonesia needed to cope with the ongoing economic crisis. In this regard, the factors that contributed significantly to limiting Habibie's policy options included the Western powers' view of Habibie as Suharto's extension, but with a weaker legitimacy, and the existence of the Western powers' push for a democratic opening within Indonesia (as seen by the impact of globalisation, the rise of NGOs and domestic opposition) which had started in the later part of Suharto's era. Thus, the Western powers would only need to intensify the economic pressures through the IMF and World Bank, knowing that Indonesia, under Habibie, could be easily exploited due to Indonesia's financial crisis and heavy economic dependence on the US, IMF and World Bank.¹² For example, this can be seen in the IMF and Consultative Group for Indonesia (CGI) loans agreements to assist Indonesia in overcoming the economic crisis that included liberal democratic clauses for Indonesia to implement in return for the loans.¹³ At the same time, the World Bank stated its concern for Indonesia's human rights conditions, in general, and for East Timor's in particular, and that Indonesia must take significant steps to improve its human rights conditions to ensure the international financial community's full support.¹⁴

5.2.2 A Benevolent Authoritarian Regime

Despite such mounting external and internal pressures, at the beginning, when Habibie first inherited the authoritarian regime from Suharto, nothing significant had changed institutionally from within the regime, other than the change in leadership. However, the external environment that the regime faced was different, as former allies were now potential threats, as demonstrated by the Western powers' exploitation of Indonesia's political and economic vulnerability. Similarly, within the domestic environment, 'people power' was gaining momentum. Nevertheless, the remnants of the New Order had remained in power because power was still centralised in the President's position and the President was still the source of all policy initiatives.¹⁵ The regime also continued to enjoy enough support from the

¹² Ibid. pp. 58-60

¹³ Elson, 2001, op.cit.

¹⁴ See Clark, 2002.

¹⁵ Heryanto and Hadiz, 2005, op.cit., p.256.

machinery of the state, namely the military for security and the GOLKAR party for civilian support.¹⁶ In this regard, Habibie's power as Suharto's appointed President did not receive any substantial opposition from within the regime.¹⁷ Outside the regime, however, the story was quite different, as democratic proponents accused Habibie of copying Suharto's leadership and, hence, called for his removal. For example, the democratic movement and opposition leader, Amien Rais, pointed out that "...it is true and clear that the Habibie government is beginning to imitate the iron fist pattern of Suharto until the people are repressed and become victims".¹⁸

However, while the authoritarian regime had largely remained intact, the democratic movements in Indonesia were scattered, fragmented and poorly organized, despite gaining momentum.¹⁹ This was because Suharto's New Order policy had been successful in rupturing the organisation of civil society and repressing independent societal organisations.²⁰ During the Suharto era, the democratic movements had to rely deeply on power holders (the President, GOLKAR party members and the military) or external forces (Western powers and INGOs) to pursue their agenda of reforms and democratic changes.²¹ Consequently, the democratic movements during the early days of the Habibie period could not overhaul the entire New Order regime because the achieved democratic changes (Suharto's stepping down and the cabinet reshuffle) were merely the result of a compromise reached between former New Order members and democratic supporters.²² This condition had indeed provided room for members of the New Order regime during the Habibie period to re-configure their political methods of dealing with the challenges posed by democratic movements and Western power pressures.²³

Although, initially, Habibie seemed to have maintained Suharto's authoritarian regime, in the later part of his rule Habibie carried out constitutional and institutional changes that were disruptive to his own regime. As Habibie was also known as a civilian and a

¹⁶ See Crouch, 2010, pp.2-3 and Amien Rais said the 1998 democratic movement was threatened with a possible repetition of a Tiananmen Square incident by the military in "Suharto protests span the nation", Wednesday, May 20, 1998.

¹⁷ See Habibie, 2006, pp.100-3.

¹⁸ "Habibie rules with Suharto's 'Iron Fist'", November 17, 1998.

¹⁹ Heryanto and Hadiz, 2005, op.cit., p.268.

²⁰ See Hadiz, 2003, p.594.

²¹ Ibid.

²² Crouch, 2010, op.cit., pp.2-3.

²³ See Mietzner, 2006, pp.7-10.

Western-oriented figure (he was a German-educated engineer) who served under Suharto's New Order regime, he was well aware of how Western countries perceived the New Order in terms of its poor human rights records, lack of democracy and transparency, and the East Timor problem.²⁴ However, unlike Sukarno and Suharto who denounced democracy and human rights as Western creations, Habibie seemed to be more accepting of them as he said:

We have explicitly abandoned the phase of conceptual uncertainty, which all this time has considered human rights as a cultural product originating in the West. We strictly have stated that human rights are our wholesome commitment to the respect of human dignity regardless of race, ethnicity, skin colour, gender or social status.²⁵

Due to such a perception, and the existence of the immense external pressures mentioned earlier, Habibie agreed to the insertion of external human rights elements into Indonesia's UUD 1945 constitution, as a sign of Indonesia ending its 'Asian Values' campaign, and also included mention of individual human rights in domestic laws.²⁶ This resulted from Habibie's negotiations with the parliamentarians to insert UDHR elements into Indonesia's 1945 constitution.²⁷ He established law no. 39/1999 on human rights, which was Indonesia's adoption of the UDHR. Habibie also decreed a number of laws which would guarantee freedom of expression in the media and campuses, relaxed the laws regarding subversion, and released Suharto's political prisoners, intellectuals and former suspected PKI leaders.²⁸ In addition, Habibie strengthened the KOMNAS HAM (which had been established during Suharto's period) by allowing the commission to properly function as the only body with the authority to investigate human rights violations in Indonesia.²⁹

At the same time, Habibie launched RAN HAM or the National Action Plan on Human Rights, for the period of 1998-2003.³⁰ The RAN HAM was an outline of the state's

²⁴ See Anwar, 2010.

²⁵ Habibie's speech in Habibie, 1998. (Unofficial translation made by the researcher).

²⁶ Anwar, 2010, op.cit. and Langlois, 2001, p.17.

²⁷ See Emmerson, 1999, pp.336-7.

²⁸ Anwar, 2010, op.cit., p.100.

²⁹ Emmerson, 1999, op.cit.

³⁰ Indonesia, represented by Ambassador Dr. Makarim Wibisono, cited the RAN HAM as a framework for Indonesia's plan to ratify 8 UN human rights conventions in United Nations General Assembly, December 11, 1998, p.26.

initiatives to rectify the overall human rights conditions in Indonesia, and acted as the encouragement to sign a number of UN human rights conventions.³¹ Through RAN HAM, Habibie ratified the already signed UN Convention against Torture (CAT) in 1998 and then signed and ratified the UN Convention on the Elimination of Racial Discrimination (CERD) in 1999. Indonesia under Habibie also signed and ratified other UN conventions, including the International Labour Organisation (ILO) Freedom of Association and Protection of the Right to Organise Convention in 1998, and in 1999 the ILO Conventions on Discrimination in Employment and Occupation, Minimum Age for Admission to Employment, Abolition of Forced Labour, and Worst Forms of Child Labour.³²

Concerning Indonesia's state relative power distribution, Habibie seemed to imply that Indonesia was a weak state in terms of economic power and was highly dependent on foreign assistance and trust. Such perception was mirrored in Habibie's own perception of threats. The first threat was the lack of trust by foreign stakeholders in Indonesia's economy, as Habibie believed that:

The Government realises that our success in overcoming the economic crisis, apart from relying on our own ability, also is greatly affected by foreign assistance...These targets (economic recovery targets) can only be achieved if we are capable of regaining international trust, through the reaching of agreements with multilateral organisations, namely the IMF, World Bank and [Asian Development Bank] ADB, or support from friendly states in general and G-7 in particular.³³

Such a perception was reflected in Habibie's dependence on international financial institutions. Habibie had willingly maintained the IMF and World Bank loan packages from Suharto.³⁴ He also condoned this policy option despite criticisms circulated by economists and intellectuals, both local and international, which had suggested that the IMF and World Bank reform packages might not be acting in the best interests of Indonesia, as the neo-liberal

³¹ See Prasetyo, 2006.

³² See Stockmann, 2008, p.61.

³³ Habibie, 1998. (Unofficial translation made by the researcher).

³⁴ See "Indonesia's Unexpected Failure of Leadership" in Liddle, 1999, pp.35-6.

agenda of these institutions seemed to be at odds with what Indonesia really needed to recover from its faltering economy.³⁵ Habibie, nevertheless, brushed aside such warnings and he remained committed to continuing the Suharto-brokered IMF rescue package. Habibie's maintaining of Indonesia's high dependency on the external package served as a sign of Indonesia's weakness in terms of economic power.³⁶

The second threat was corruption and nepotism, since Habibie believed that corruption, "is a disease that, if it is not properly healed, will spread and destroy institutions and even foundations of social and political systems of the state."³⁷ In relation to this, Habibie minimised his own regime's potential for corruption. For example, Habibie set the MPR as the institution with the highest authority which could assess the President and cabinet's performance as well as determine the selection of the President.³⁸ He limited the presidential tenure so that the head of the executive could only be reappointed for a maximum of one more term (a presidential term is five years and the maximum terms for presidency are two) and he restored significant power to the legislative so that all executive appointments, including ministers and ambassadors, needed approval from the DPR.³⁹ Such amendments ended the executive's domination of power through a more effective 'check and balance' mechanism between the legislatures and the executives. He then changed the law of the parliamentary system by adding more seats in the DPR and reducing the number of military seats as well as the military's role in the parliament.⁴⁰ Habibie also adjusted the qualification method for the party system, resulting in the formation of a multi-party system for the upcoming 1999 general election, which destroyed Suharto's three-party system.⁴¹

The third threat (related to the second threat) were violations of human rights and undemocratic practices of governing, which could lead to the '*Balkanisasi*' of Indonesia, or Indonesia's disintegration and anarchy. Habibie said that "...the shift from an authoritarian system to a responsible and cultured democratic system, in a peaceful and timely manner, is

³⁵ Emmerson, 1999, op.cit., pp.324-35 & 328-9 and Steve H. Hanke stated that "This was all part of a great geopolitical game in which the IMF conspired with the Clinton administration and other western powers to allow currency chaos to work its magic", 2000 .

³⁶ The plan originally as admitted by Michael Michel Camdessus, the former managing director of the IMF, was to create conditions that obliged President Suharto to leave his job in Steve H. Hanke, 2000.

³⁷ Habibie, 1998, op.cit.

³⁸ See Sebastian, 2007, pp. 184-5

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ See Lanti, 2010, p.17

the only convincing solution to solve multi-complex problems and the implementation of the reformation programme which we must endure”.⁴² He then added that “the problem of Aceh and Irian Jaya can be resolved through democratic means.”⁴³

Regarding respect for human rights in the East Timor province, on top of the mounting external political and economic pressures, Habibie emphasised his own perception of democracy and human rights and denounced the argument which claimed that his decision on East Timor was mostly due to external pressure. For example, he was quoted to have said:

My decision to solve the problem is so that Timor-Timur and the rest of the Indonesian people can truly enjoy human rights values, without resorting to ‘double-standardness’ in deciding the fate and future interests of the Indonesian people as well as the people of Timor–Timur.⁴⁴

External powers must not be given the opportunity to exploit the East Timor problem as a reason to interfere with the process of reformasi....if the solution for East Timor is executed based on the suggestions made by the leaders of the East Timorese people or John Howard then there will be long-lasting uncertainty which will derail the path of reformasi.⁴⁵

Consequently, Habibie agreed to hold a UN-led referendum for the East Timor province that led to its independence from Indonesia. In light of the external pressure to better human rights conditions in East Timor, initially the plan, as elaborated by Ali Alatas as the foreign minister at the time, consisted of two options. The first option was the Special Autonomy Status for East Timor as a final solution.⁴⁶ The second option was to bring the East Timor issue to the MPR to be decreed as a separation clause from Indonesia, without

⁴² Op.Cit Habibie 2006, p.162

⁴³ Ibid, p.135

⁴⁴ Ibid, p.236

⁴⁵ Based on John Howard’s letter to Habibie, Howard’s proposed solution for East Timor was derived from New Caledonia’s experience in gaining its independence, as a former French colony, from France through referendum. Habibie denounced such solution on the grounds that East Timor had never been a colony of Indonesia based on the Balibo Declaration of 1975 in which East Timor decided to join Indonesia of its own free will. Ibid p.139 and p.237

⁴⁶ Anwar, 2010, op.cit.

any intermediaries.⁴⁷ Yet, Habibie, with the final say in decision-making, opted to hold a referendum for the East Timorese people to accept autonomy or be separated from Indonesia.⁴⁸ In addition, Habibie agreed to the sending of multinational troops, the International Forces for East Timor (INTERFET), to secure the referendum process as well as the post-referendum situation.⁴⁹

Although many of Habibie's policies seemed to indicate a pro-West and pro-democracy and human rights stance, his chosen policies would instead contribute to his downfall. Due to his controversial handling of the East Timor issue, though he was acknowledged by local NGOs and INGOs for the improvements made in terms of human rights, Habibie nevertheless was forced to forfeit his presidential campaign by the newly strengthened parliament. It was the parliament's decision to reject Habibie's accountability report in 1999, which brought about the end of his rule in Indonesia.⁵⁰ Having been rejected by the parliament, Habibie withdrew his presidential bid because he knew he would not be popular among members of his former New Order regime as well as the newly elected members of parliament.⁵¹

5.2.3 A Neoclassical Realism Analysis

Indonesia, under Habibie, seemed to have behaved in accordance with neorealist expectations. Here, neorealism assumes that the external constraints (Western powers political and economic pressures), automatically translate into policy choices of the targeted state (Indonesia) as part of the targeted state's display of self-help behaviour (bandwagoning with the Western powers). Political and economic pressures from the US, EU and Australia and the IMF are assumed by neorealism to have forced Habibie to implement democratic change and to better human rights conditions for Indonesia. This can be seen vividly in the pressure placed on Habibie by the IMF and the US to improve the condition of human rights in East Timor, with the IMF's loans in the forms of rescue packages for Indonesia at stake. Dispensing and withholding of loans in this sense had become an enforcing mechanism for

⁴⁷ Ibid.

⁴⁸ See Habibie, 2006, p.238.

⁴⁹ Ibid.

⁵⁰ Crouch, 2010, op.cit., pp.26-8.

⁵¹ Ibid.

the Western powers to make Habibie comply with their demands for democratic and human rights improvements in Indonesia, particularly East Timor.

Based on neorealist logic, to ensure the state's survival, Habibie opted for compromise as a soft form of bandwagoning.⁵² He did this by making excessive concessions, such as by making significant domestic democratic changes to satisfy external-internal demands for human rights improvements and by allowing the UN-led referendum for East Timor alongside the presence of INTERFET.⁵³ The result of the referendum was in favour of secession from Indonesia and Timor Leste gained independence from Indonesia in 1999. In this way, it seems that the policy shift from an anti-human rights policy under Suharto's authoritarian regime into a pro-West human rights policy under the reformation regime headed by Habibie was mainly due to the existence of such Western pressures.

However, such an explanation using neorealism is still contestable. Mainly, this is due to the fact that Indonesia during Habibie's early rule was not yet a democratic country and Habibie himself was considered a figure from Suharto's New Order.⁵⁴ Initially, when Habibie first inherited the regime from Suharto, the strength of the regime had not been reduced substantially through *reformasi* because there had only been a change of leadership and not of the regime's internal power structure.⁵⁵ Therefore, Habibie should have been able to continue Suharto's typical strategy of reshuffling cabinet while maintaining the New Order policies to appear to satisfy democratic aspirations, despite the risk of being punished by the system. Hence, neoclassical realism would argue that, although Indonesia during the later stage of Habibie's rule ultimately shifted to adopt policies that were more democratic and pro-human rights as a bandwagoning policy, the reasoning may not be as neorealism would assume (i.e. that external constraints directly translated into policy outcome). This is because, according to a neoclassical realism perspective, such external pressures did not materialise without firstly being translated by the domestic power structure and leader's perception variables within Indonesia's domestic politics.

⁵² Here compromise refers to a relaxed form of bandwagoning since the actual bandwagoning application could be found in a form of military alliance. Hence, according to He compromise is a form of bandwagoning which could refer to a general state behavior rather than just a military one in He, 2008, op.cit., p.51

⁵³ Ibid.

⁵⁴ Habibie 2006, op.cit., p.73.

⁵⁵ The fall of Suharto does not necessarily mean the collapse of New Order's stronghold of power in Heryanto and Hadiz, 2005, op.cit., p.254.

The argument is as follows. Despite overwhelming external and internal pressures, Indonesia's domestic power structure at the time was still intact because it had managed to allow Suharto to appoint Habibie as his successor, a move stipulated in Suharto's resignation speech. This allowed Habibie, as the former Vice President during Suharto's New Order regime, to easily claim the highest position without election within Indonesia's domestic power structure that had been left unchanged by Suharto.⁵⁶ This was also the main reason behind the Western powers and *reformasi* figures' accusations that Habibie was merely an extension of Suharto's New Order regime and that democratic changes could not be expected or envisioned under his rule.⁵⁷ Thus, despite lingering questions regarding his actual political legitimacy and authority, and the existence of high external pressure,⁵⁸ Indonesia's choices of policies at this stage fit with the neoclassical realism assumptions.

If seen from the neoclassical realism perspective, the figure of Habibie as the President remained as the crucial domestic intervening variable in interpreting external pressure, especially as the New Order regime's 32 years of rule had been successful in reducing and fragmenting the development of other state institutions, civil society and NGOs. At this point, with regard to external and internal pressures for change, Habibie, who had the highest decision-making powers at the time, was provided with two feasible options to maintain his rule and legitimacy, if seen via neorealism's logic. The first option was that he could increase his power base by siding with the democratic movements and accede to the Western powers' demands through a gradual transformation into a democracy.⁵⁹ The second option would be to strengthen his power base by siding with his former regime.⁶⁰ In this regard he could adopt a *status quo* policy to boost his own credentials by entertaining the military and GOLKAR party interests while looking for other remedies to overcome external pressures, such as by the giving of concessions and pursuit of other economic remedies that

⁵⁶ In this regard Habibie still has an 'absolute power' of the Suharto regime to direct as it sees fit in Habibie 2006, op.cit., pp.65-7 and p.73.

⁵⁷ This can be seen in the formation of '*Barisan Nasional*' or BARNAS in which important figures such as Eddie Sudrajat from the military and Megawati Sukarnoputri from the non-military were a member of in Habibie 2006, op.cit., pp.150-1.

⁵⁸ Kai He's "external pressure-political legitimacy" neoclassical realism model problematises Habibie's weak political legitimacy and high external pressure as one of his reason for succumbing to external pressures by using the external pressure to increase his political legitimacy. He, 2008, op.cit., pp.55-9

⁵⁹ Ibid, pp. 56-9.

⁶⁰ Habibie can still perform domestic political manoeuvres in "Habibie's Rule isn't as Wobbly as It Looks", November 22, 1998.

may not involve the IMF and World Bank loans.⁶¹ If analysed using neorealist logic, the second option entails the risk of systemic punishments, though neorealism, in this case, would be undetermined. Meanwhile, if seen from Putnam's 'Two Level Game' logic, both options carry the same risks of either systemic punishments or domestic ousting if Habibie fails to achieve the condition of "synergistic-linkage" or an effective trade-off between what is tolerated externally and what is acceptable internally.

Neoclassical realism argues that, in responding to Western powers' demands, it was Habibie's own pro-West human rights perceptions and weak relative power distribution, as argued in the historical narrative above, which served as the main reasons for Habibie to opt for the first option at the expense of the second. At this stage, Habibie's own perception of threats and his view of Indonesia's relative power distribution, as the head of an authoritarian regime, were the determining factors in pushing Indonesia to adopt a compromising behaviour as a soft form of bandwagoning in response to the external imperatives. This resulted in a condition where the actual democratic changes were introduced by Habibie himself (top-down) and not initiated by grassroots movements (bottom-up) that the Western powers had expected, although it does not alter the fact that such changes were self-destructive to Habibie's own regime.⁶²

In addition, the giving of concessions by Habibie's Indonesia, as an indication of compromising/bandwagoning with Western powers, also does not entirely follow neorealist logic. This was because, if seen from a neoclassical realism perspective, Habibie had also tried to utilise Indonesia's giving of excessive concessions as his chosen internal balancing strategy to prevent further exploitation of Indonesia's vulnerabilities by the Western powers. This can be seen in Habibie's own speeches, in which he used Indonesia's new democracy to prevent further '*Balkanisasi*' or disintegration of Indonesia, gaining international trust for Indonesia's faltering economy and ameliorating Indonesia's tarnished international image due

⁶¹ Giving of concessions could be achieved by giving a referendum to East Timor at the most, or simply improving human rights conditions only in East Timor (not in general) at the least, as the external powers led by the US were mostly emphasising only the violation of human rights in East Timor and not violation of human rights (in general) in other parts of Indonesia, or the political status of East Timor in He, 2008, op.cit., p.58. Other economic remedies could be in the form of Steve Hanke's Currency Board System. According to Steve Hanke, Indonesia initially tried to use the Currency Board System which pegged the Rupiah instead of IMF's floating of the Rupiah scheme and the Rupiah value grew by 28%. This, however, infuriated the IMF and the US government and Indonesia abandoned such a plan and stuck with the loan package. Steve Hanke was Suharto's main economic adviser during the crisis in Steve H. Hanke, 2000.

⁶² Suharto's resignation speech in Habibie 2006, op.cit., p.66.

to its poor human rights record. In this regard, external pressures, particularly from Western powers, though significant, acted only as a catalyst for change to spur on Habibie's own leaning towards pro-West and pro-human rights reforms as his chosen internal balancing strategy.

This internal balancing strategy, with the dominance of Habibie's perceptions, also can be traced through other evidence. For example, Habibie agreed to the PRC's demand to investigate human rights violations committed upon Indonesian-Chinese (namely killing and rape cases) during the May 1998 riot, which had contributed to the conditions that forced Suharto to step down.⁶³ This is quite a landmark in terms of policy change since Habibie was a part of Suharto's New Order regime, a regime which was heavily implicated in the ethnic-Chinese and PKI massacres in the late 1960s and enjoyed impunity while denouncing any of the PRC's claims of human rights violations in Indonesia. Habibie, nevertheless, also initiated an investigation into the violations of human rights of Indonesian-Chinese in May 1998, despite the PRC's concerns lacking threats or sanctions. Instead of being reactive and considering such claims as internal meddling, a team called *Tim Gabungan Pencari Fakta*, or the Joint Fact Finding Team, was launched by Habibie to investigate the matter.⁶⁴ In response to the PRC's demand, he stated:

Anarchy in forms of looting and burning shopping centres and dwelling vicinities is even accompanied by acts of sexual violence directed against women, particularly of Chinese descent. The whole chain of irresponsible acts has tarnished our image as a civilised nation with high morality. As a cultured and religious nation, we condemn such immoral acts.⁶⁵

Such given examples have demonstrated that, when Habibie claimed the leadership of an authoritarian regime, it was his perceptions that crucially determined Indonesia's choice of policy trajectory. In the end, however, Habibie was perceived by his own regime as a traitor. This was seen in the resentment evident from the military and nationalist groups in relation to his East Timor policy and the denouncement of Habibie's nomination as the President by

⁶³ He, 2008, pp.60-2

⁶⁴ Ibid

⁶⁵ Pidato Presiden Habibie 1998

prominent GOLKAR figure, Akbar Tandjung, while the GOLKAR party dominated the parliament.⁶⁶ In addition, neither the Western powers nor the Indonesian democratic movements trusted Habibie's democratic changes, as can be seen in the rejection of his accountability report by the MPR, an institution which he had strengthened through his reforms.⁶⁷ Habibie's downfall, if seen from Putnam's 'Two Level Game' logic, also indicated Habibie's failure in achieving the acceptable trade-off between external imperatives and internal constraints, where Habibie seemed to be failing on both external and democratic fronts, resulting in his resignation from being a presidential candidate in the 1999 election.

5.3 Abdurrahman Wahid's Islamic Human Rights Policies: 1999-2001

5.3.1 Continuing Hardship within a Democracy

Although Habibie did not effectively manage to secure his presidential position, he was, nevertheless, successful in delivering Indonesia its first democratic election in the post-Suharto era in 1999. Forty-eight parties participated as a result of Habibie's earlier democratic reforms and the election was held under the supervision of an independent body known as the *Komisi Pemilihan Umum* (KPU) while being witnessed by international observers headed by former US President, Jimmy Carter.⁶⁸ The winner was the *Partai Demokrasi Indonesia Perjuangan* (PDIP) which was headed by Megawati Sukarnoputri (Sukarno's daughter) and had an overwhelming dominance over the other major parties such as Suharto's former GOLKAR party, Abdurrahman Wahid's *Partai Kebangkitan Bangsa* (PKB), and the PPP. The result of the election based on the number of votes was PDIP (33.3% of votes), GOLKAR (25.9%), PPP (12.7%), PKB (11%), and PAN (7.5%).

Although Megawati was the head of the winning PDI-P party, according to the newly established rule the party needed two thirds of the vote in the MPR to be able to nominate a President, and her party did not manage to secure such a majority vote. Instead, the Islamic parties *Partai Amanat Nasional* (PAN), PKB and PPP, under the leadership of Amien Rais as head of the *Muhammadiyah* Islamic organisation and figurehead of PAN, joined together in

⁶⁶ Crouch, 2010, op.cit., pp.26-8.

⁶⁷ Ibid.

⁶⁸ Habibie, 2006, op.cit., p.171.

nominating Abdurrahman Wahid as the President. The Islamic coalition, known as *Koalisi Poros Tengah* or the Middle Axis Coalition, managed to secure the two thirds majority vote in the parliament. By the end of 1999, Wahid was declared the fourth President of Indonesia and Megawati Sukarnoputri was named his Vice President. Wahid's election was significant because he represented a civilian with an Islamic background, as he was the head of the largest Islamic group in Indonesia, known as the NU, and figurehead of the Islamic PKB Party.⁶⁹

When Wahid came to power, Indonesia was still relying on the IMF's rescue package, amounting to US\$43 billion, to overcome the 1997 Asian Financial Crisis. In this regard, Wahid had the perception that economic vulnerability was one of Indonesia's greatest threats as he stated that "...the economic crisis that has pulverised our nation has resulted in the degradation of economic activities, the decline of people's welfare, and the deterioration of important economic institutions."⁷⁰ This resulted in the Wahid administration signing three Letters of Intent with the IMF (20 January, 17 May and 31 July 2000).⁷¹ To some extent, the IMF had also contributed to Indonesia's acceptance under Wahid after receiving the INTERFET troops and further liberalising the economy in Indonesia. When Wahid tried to resist several of the conditions set by the IMF, it withheld loan disbursement, which would have meant that Wahid was risking the loss of foreign investment trust in his administration's economic management.⁷²

Wahid also indicated that the sovereign right of the state to operate within its jurisdiction should also be taken into account in relation to the IMF assistance package given to Indonesia in resolving the aftermath of the 1997 Asian Financial Crisis. Wahid stated that:

The participation of the IMF, with its huge funds, in Indonesia's economic recovery programme requires the government's improved discipline and strong commitment in order to be able to comply with the policy framework agreed upon. This gives rise to the perception of an act interfering with a government's sovereignty. Yet, the government is of the view that

⁶⁹ See Aspinall and Fealy, 2010, p.123.

⁷⁰ Abdurrahman Wahid speech in Wahid, August 7, 2000. (Unofficial translation made by the researcher).

⁷¹ See Smith, 2000.

⁷² See Anwar, p.74.

international commitments have to be fully observed, while believing that the national economic recovery programme belongs entirely under our control.⁷³

Wahid's period was also marked by the effects brought about by the Habibie-sponsored UUD 1945 amendments that created a more responsive parliament (the MPR and DPR) and a more effective check-and-balance mechanism among the executive and the legislative.⁷⁴ As a result of the ongoing democratic reforms, expressions of opposition to the government's policies coming from within Indonesia's domestic environment (especially since Wahid's PKB party had a weak coalition) had also become increasingly apparent during Wahid's period. For example, the parliament and the public refused to give their support for Wahid's plan to open diplomatic relations with Israel, and his subsequent attempt to do so failed.⁷⁵ Wahid's plan was unanimously rejected by the newly developed parliament, which also was supported by public demonstrations, and the plan was finally abandoned due to such domestic resistance.

However, as Indonesia's reforms slowly progressed into democracy, deterioration in terms of foreign relations with the Western powers began to reappear. With the newly acquired power and memories of East Timor still not far behind, the parliament and civil society at the time had mostly articulated an anti-Western tone in the conduct of Indonesia's foreign policy. This was demonstrated in Amien Rais's opinion, as the head of the MPR during Wahid's presidency, when he rebuked the US' constant meddling in Indonesia's internal affairs through its exploitation of Indonesia's heavy dependency on the US, IMF and World Bank.⁷⁶

Unlike Wahid, Rais perceived the Western powers and IMF, which had assisted Suharto's authoritarian regime, as a major threat. He criticised New Order economic performance as hollow and engulfed with economic debts and he described attempts by the IMF to make aid conditional upon improvements in East Timor as "threats to Indonesian sovereignty".⁷⁷ Rais also argued "...if Indonesia bows down to threats from the US, it will always be considered a light-weight and will continue to be manipulated by other foreign

⁷³ Wahid, August 7, 2000, op.cit.

⁷⁴ Hadiwinata, 2003, pp. 81-3.

⁷⁵ Smith, 2000, op.cit., p.504.

⁷⁶ Ibid.

⁷⁷ See Sukma, 2003 and Smith, 2000, op.cit., p. 519.

countries.”⁷⁸ Whereas, regarding the IMF, he stated that “... (Indonesia's) economic sovereignty is in the hands of the IMF...the IMF is an unavoidable crime we have to commit. We did not want it, but we were forced to accept it.”⁷⁹ In another example, in September 2002, when the Commission I of the DPR (which deals with foreign affairs matters) called for the Australian Prime Minister, John Howard, to postpone a visit, Amien Rais, speaker of the MPR, and Akbar Tanjung, speaker of the DPR, immediately concurred with Commission I and refused to meet Howard.⁸⁰ This was a powerful statement of the entire legislative branch vis-à-vis another country's executive.

Such a domestic condition created a challenge to the US, especially as it had made Indonesia one of its targeted countries to be democratised.⁸¹ Mainly, this was because Wahid's administration was judged to be liberal and the best option for the US 'democratic enlargement' agenda in Indonesia.⁸² For example, when Wahid tried to reform the military institutions, rumours were circulating in the public media that a military coup might be staged towards Wahid's administration. In response, Richard Holbrooke, as US ambassador for the UN, stated that a military coup in Indonesia would not be welcomed by the international community, and this statement implied a warning against any domestic threats to Wahid's administration, a position that was in complete opposition to the US and Western powers' welcoming of Suharto's military regime in 1966 against the civilian Sukarno.⁸³ In this regard the US was also concerned of the increasing nationalistic tone of Indonesia's policy due to Indonesia's development of democracy that included the emergence of democratic Islamic figures like Amien Rais. The US, therefore, needed to apply a form of restraint in its pressure, especially as Indonesia's newly democratic environment allowed the possibility for the emergence of anti-Western policy.⁸⁴ Such US paradoxical interests ultimately resulted in the reduction of its pressures on Indonesia, if compared with the immense pressures exerted during Habibie's leadership, especially on matters of democracy and human rights.⁸⁵

⁷⁸ Ibid, Smith.

⁷⁹ See "Government controlled by IMF: Amien Rais", January 14, 2001.

⁸⁰ Dosch, 2006, op.cit., p.58.

⁸¹ Smith, 2000, op.cit., pp.514-6.

⁸² Ibid and He, 2008, op.cit., p. 63.

⁸³ Ibid.

⁸⁴ Ibid.

⁸⁵ Ibid.

The combination of such low external pressure and leaders' perceptions, including Rais's, resulted in an external opportunity for Wahid's projection of a 'high profile' foreign policy.⁸⁶ Such policy was mainly attributed to Wahid's perception, as he said:

The conduct of [Indonesia's] foreign economic relations is aimed to be as optimum as possible to unleash the existing potentials of those countries that have financial, management, networking and technological capabilities. Those include the United States of America, the European Union, Japan, and others such as ASEAN, East Asia, Pacific and Middle East countries.⁸⁷

The implementation of this policy included Wahid's numerous state visits to a number of Western and Arab countries, as well as Russia and the PRC, as Wahid began entertaining almost all countries' interests in Indonesia despite maintaining Indonesia's heavy reliance on the US, Western powers and the IMF.

Yet, despite such a 'high profile' foreign policy, the domestic democratic changes also triggered hardships for Wahid as the first President to rule within a democratic environment. First, Wahid tried to democratise the military institution as part of his democratic agenda but it was done by appointing and removing military personnel according to his own free will, as exemplified by his same day dismissal-reappointment-dismissal of General Wiranto, a prominent military leader, and the dismissal of Susilo Bambang Yudhoyono, who was then his Coordinating Minister for Politics and Security.⁸⁸ Although the main purpose of his actions was to demonstrate civilian power over the military institution, the result proved to be counterproductive.⁸⁹ As the military began to think less of him, security issues and social unrests all over Indonesia began to flare up and the inexperienced Wahid was left with limited options, particularly regarding the Maluku and Ambon conflicts.⁹⁰ Secondly, Wahid began to break up his party coalition, which had allowed him to stay in power, by dismissing from the cabinet Yusuf Kalla, who was a strongman of the GOLKAR party, on accusations of corruption. Wahid also launched a

⁸⁶ High profile foreign policy refers to a policy which could increase Indonesia's profile internationally, such as aspiring to be a significant power, becoming an important global economic player, engaging more actively in global and regional affairs, etc. Low profile foreign policy meanwhile indicates inward looking policies and limited international participations.

⁸⁷ Wahid, August 7, 2000, op.cit.

⁸⁸ See Barton, 2002, p.330.

⁸⁹ Ibid.

⁹⁰ Ibid, pp.305-7.

personal crusade against the MPR by suggesting that he would dissolve the parliament by declaring a state of emergency.⁹¹

Such actions caused confusion for many of his former supporters and encouraged them to join Wahid's opponents while, simultaneously, the financial market did not respond well, as demonstrated by the continuous fluctuation of the Rupiah. With political unrest and economic instability continuing to unfold, in addition to a number of embezzlement accusations directed towards him, namely *Buloggate* and *Bruneigate*,⁹² Wahid was also heavily criticised for the never-ending foreign tours that he had embarked upon as the President which, to some, was a waste of the people's money. Others considered the trips as evidence of Wahid's great emphasis on the external front rather than the domestic one. Wahid was finally impeached by the MPR in its capacity as the new strengthened parliament after Habibie's earlier amended reforms, and was forced to give up his presidency in 2001 as part of the parliament, and Rais' show of strength against the executive.⁹³

5.3.2 Wahid's Human Rights Policies

Due to the low pressures being exerted upon Indonesia by the US and Western powers, and internal pressures that would increase the nationalist and anti-Western tone of Indonesia's policies, democracy and human rights developments in Indonesia at this stage were mostly left to Indonesia's own political dynamics. In terms of human rights policies, Wahid and Rais were considered as genuine advocates of human rights.⁹⁴ According to Wahid, freedoms of speech, faith and expression are rights that must be defended vigorously.⁹⁵ He also saw similarities between the human rights that were put forward in Islam and the Western version of human rights as, according to Wahid, within Islam, human rights is also acknowledged and respected and hence there should not be a violation of these

⁹¹ Sukma, 2003, op.cit., p.124.

⁹² Barton, 2002, op.cit., pp.304-6.

⁹³ Ibid, pp.345-63.

⁹⁴ Uhlin, 1997, op.cit., pp.78-9.

⁹⁵ Wahid, August 7, 2000. op.cit.

rights by the state, as had occurred in the New Order era.⁹⁶ Similarly, according to Rais, democracy, pluralism and human rights are virtues to be found in *Pancasila* and Islam.⁹⁷

Consequently, Wahid had continued Habibie's reform policy without significant opposition from Rais. The second amendment to the 1945 Constitution was made under Wahid's presidency. Some of the important amendments were the insertion of the human rights clauses into articles 28a-28j, and Chapter XII which separated the police and military functions.⁹⁸ Regarding human rights, Wahid also managed to pass Law no. 26/2000 on the establishment of a special court known as the National Human Rights Court⁹⁹ as his way of meeting the external demand for transparency when dealing with human rights issues, particularly in the East Timor, Aceh and Papua human rights cases. Unlike his predecessors, Wahid apologised to the communist or PKI members' families who were victimised by the 1965-1966 atrocities, especially those connected to the killings performed by the NU-sponsored Banser group.¹⁰⁰ Under his leadership, Wahid also unbanned organisations with a communist political view and released many communist prisoners, known as political prisoners or TAPOL.¹⁰¹

Regarding separatist movements, the East Timor problem had been previously resolved by Habibie, and Wahid would only need to complete Indonesia's withdrawal from the former province. However, there were allegations of human rights violations committed during the process.¹⁰² This was the only time where the US and Western powers gave a stern warning to Indonesia about the violations of human rights which had allegedly occurred under the eyes of Indonesian officials in 1999, and about the two UN volunteers who were killed by paramilitary groups in Timor in 2000.¹⁰³ However, despite such warnings, the pressure exerted was considerably low as no added trade or military embargo was involved and additional conditions set by the IMF and World Bank in influencing Indonesia's democratisation process would receive further lambasts, especially from Amien Rais, as the

⁹⁶ Ibid

⁹⁷ See Stepan and Kunkler, 2007.

⁹⁸ Sebastian, 2007, op.cit., pp. 184-5.

⁹⁹ The human rights court is a new addition to the existing courts acknowledged in Indonesia's legal system.

¹⁰⁰ See Wessel, 2005, pp.121-30.

¹⁰¹ Ibid.

¹⁰² See Albright, July 29, 2000, pp.518-20.

¹⁰³ Ibid.

Head of MPR.¹⁰⁴ Wahid also refused Western powers' pressure to try in a war crime court those who had been responsible for the violence in 1999.¹⁰⁵

Meanwhile, according to Wahid's perception, disintegration was one of Indonesia's greatest threats. He stated that "...our nation-state is now politically confronted with a threat to its territorial and national integrity through these separatist movements as well as due to the prevailing inter-religious and inter-ethnic conflicts."¹⁰⁶ Thus, Wahid focused much of his policies on the troubled provinces of Aceh and West Papua, by granting a referendum for Aceh which would lead to an autonomy symbolised by the MoU reached in 2000 with the GAM, while he used the approaches of dialogue and the giving of concessions for West Papua by visiting the province and by returning the usage of the term "Papua" from "Irian" as the term used previously by Indonesia. Such chosen policies were mostly due to Wahid's perception since, according to Wahid, like Habibie, to uphold democracy (inclusive of human rights improvements) was the solution for Indonesia's disintegration and disharmony problem. Wahid said that the first agenda of his government would be: "*to build a democratic political system and maintain unification and unity*".¹⁰⁷ Additionally, whereas the Aceh solution was a constant failure given the continued hostility even after the MoU, the Papua solution was regarded by many as quite successful since the dialogue and giving of concessions approach seemed to have been effective in reducing the amount of conflict involving human rights violations between the OPM and the Indonesian military.¹⁰⁸ Such civilian solutions for troubled provinces, introduced by Wahid, could also be interpreted as his way of reducing the influence of the military by not resorting to military solutions in dealing with troubled provinces.

At the same time, as a democracy and human rights advocate, Wahid had also encouraged civil society participation and allowed many NGOs to develop by giving them access to direct consultation with him on human rights matters or by allowing their inputs to government programmes, especially after the New Order had severely weakened and divided them.¹⁰⁹ For example, it was also due to Wahid's pro-human rights approach that NGOs and KOMNAS HAM's inputs made under Wahid's rule were able to be translated into the

¹⁰⁴ Ibid.

¹⁰⁵ Ibid.

¹⁰⁶ Wahid, August 7, 2000, op.cit.

¹⁰⁷ Ibid.

¹⁰⁸ Barton, 2002, op.cit., pp.292-4.

¹⁰⁹ Wahid's speech in Wahid, August 16, 2000.

provision of the Truth and Reconciliation Commission (TRC) as part of extrajudicial solutions, as agreed by the government through Law No.26/2000. The TRC was thought of as a possible working solution for Indonesia's troublesome past in provinces such as Aceh, by introducing a form of TRC to reconcile the conflicting parties¹¹⁰ but, despite such leeway given by Wahid, as these NGOs were still in an early stage of development, less influence could be exerted by them on other matters, especially as most were overridden by the MPR/DPR power as the new superbody during Wahid's rule, due to Habibie's earlier reforms.¹¹¹

5.3.3 A Neoclassical Realism Explanation

If seen from a neorealist perspective, Wahid seemed to have maintained bandwagoning behaviour with the US and Western powers in terms of human rights policy. Despite the low pressures exerted by the US and Western powers, indications of Indonesia's bandwagoning behaviour can be seen in Wahid's military reforms to reduce military dominance in Indonesian politics and Wahid's dismissal of Wiranto, a prominent military figure. Earlier, Wiranto had been positioned as his Minister of Defence, but, due to the allegation of Wiranto's involvement in the human rights violations committed during the 1999 process of Timor Leste's secession from Indonesia, Wahid decided to relieve him of this position.¹¹²

However, again, there are several indications which suggest that a neorealist explanation is too simplistic. For example, although Indonesia's human rights policy under Wahid was in line with the demands of the US and Western powers to conform to UN human rights standards, the newly democratic Indonesia's relations with the Western powers, particularly the US and Australia, were much more strained under Wahid than when compared with Suharto's period. This was momentous, since such a phenomenon contradicted Indonesia's earlier strong relations with the US and Western powers during Suharto's rule, during which Indonesia was well known for its authoritarian regime and its violation of human rights.

¹¹⁰ Prasetyo, op.cit., 2006.

¹¹¹ MPR rejection of Habibie's accountability report, which led to his ousting and MPR decision to impeach Wahid, are two indications of the newly acquired power of the MPR as a superbody.

¹¹² Wiranto was implicated in Komnas HAM's report based on the Fact Finding Commission investigation.

It is also worth noting that, after Habibie's experience of the loss of the East Timor province, the success of leaders in Indonesia to stay in power is greatly measured by their abilities to maintain Indonesia's integrity as a unified archipelagic state as well as to avoid other Western supports for its troubled Aceh and Papua provinces. This can be seen in the articulation of a nationalist-toned policy, its respect for sovereignty and integrity, and the non-interference by the majority members of the parliament (DPR and MPR) and the public. In this regard, respect for human rights, therefore, could be seen as Wahid's internal balancing strategy to satisfy Indonesia's domestic constituents, instead of simple bandwagoning behaviour. Also, the change in Indonesia's domestic power structure was quite different from the Habibie era because policy-making was no longer the monopoly of the elites or the executives due to the emergence of democratic forces that had resulted from Habibie's earlier reforms, as seen in Wahid's failure to launch his Israel foreign policy.¹¹³

Hence, based on such considerations, the neorealism concept of treating foreign policy-making as a 'black box' is not applicable in analysing Indonesia's foreign policy under Wahid. The researcher therefore argues that the neoclassical realism proposal of opening the 'black box' in this case would instead be more appropriate in analysing Wahid's policy with regard to the interplay between external factors and domestic factors in the policy-making process, by applying neoclassical realism's domestic intervening variables alongside the application of Putnam's 'Two Level Game' approach. In terms of domestic power structure, the legislative's status had been upgraded by having influence in the decision-making process through a power sharing or 'check and balance' scheme embodied in the reforms made. This can be seen in the new amendments to the UUD 1945, which established Commission I in the DPR to assess foreign policy matters and to discuss them with the executive, and article 13 (2) of the amended UUD 1945 which stipulated that candidates for ambassadorial posts must be considered in consultation with the DPR.¹¹⁴ Due to such changes, Wahid's perception as the President needs to be accompanied by Amien Rais's perception as the head of MPR in interpreting Indonesia's threat and relative power distribution.

¹¹³ Smith, 2000, op.cit.

¹¹⁴ Dosch, 2006, op.cit., pp.58-66 and the amended version of the UUD 1945 (first amendment) in Syahriza, 2010.

In this regard, if seen from the perspective of neorealism, low pressures would create an external opportunity for Indonesia, under Wahid, to either bandwagon or to balance the US Western powers, but neorealism could not be used to determine which direction Indonesia may follow and can only suggest that wrong policies will be punished by the system. Neoclassical realism 'domestic power structure-leader's perception' analysis, meanwhile, argues that it was actually Amien Rais's view, as the head of the newly strengthened MPR, in resisting the West that had tremendous influence in causing Indonesia to perform balancing acts (internal balancing and hedging) which had sent Indonesia to its lowest point in terms of relations with the Western powers and Australia as reflected by Wahid's foreign policy tone. Instead of confronting Rais and the public, Wahid, as a pro-democracy figure, acquiesced to their views. This was demonstrated in Wahid's preference to back down against popular sentiments and the parliament by not pursuing his Israel policy, and by his policy to agitate the US. Wahid's 'high profile' policy against the Western powers was also the reason for the international loss of support, as many international observers and statesmen, including his own friends, began to state that Wahid had produced an erratic policy which confused friend and foe alike.¹¹⁵ In this regard, though the Western powers initially supported Wahid's administration as their best chance for a prospering democracy, as Wahid's policy continued to be influenced by random domestic factors, the Western powers began to pull back their support for Wahid's administration, and his impeachment by the MPR in 2001 was inevitable.¹¹⁶ In this regard, although neoclassical realism provides a better analysis in terms of deciding which policy Indonesia would pursue under Wahid, it cannot escape neorealism's imperatives. Hence, neorealism's 'systemic punishments' seem to once again be at play during the process of bringing down Wahid as, at this stage, most international and domestic media commentators believed that Wahid had to go due to his erroneous policy choices.¹¹⁷

Furthermore, if seen from a neoclassical realism perspective, a closer look at Wahid's government policy would also suggest that Wahid's human rights policy continuation from Habibie seemed to be derived not solely from low external pressures as part of bandwagoning but also from Rais's legislative support and Wahid's own perception of 'maintaining unity

¹¹⁵ See Murphy, 2005, pp.266-270 and "Wahid: Indonesia's erratic leader", 23 July, 2001.

¹¹⁶ Ibid.

¹¹⁷ This can be seen in Wahid's all time low image in the media as captured in Asiaweek and Times magazine in Barton, 2002, op.cit., p. 309.

and integrity' as a form of internal balancing.¹¹⁸ Thus, human rights and democratic progress in the central region and provinces would ease tensions and would also reduce the possibility for external parties to support separatist movements, namely in Aceh and Papua.¹¹⁹ In this sense, as it had been for Habibie, Wahid's human rights policy becomes a form of internal balancing strategy to maintain territorial integrity, due to his own and Rais's preferences based on their neo-modern Islamic views which also respect human rights and democracy, which coincidentally satisfies Western powers' demands to uphold democracy and respect human rights.¹²⁰

Another clear indication that Wahid's human rights policy was a form of internal balancing was the fact that Wahid had refused the Western powers' demands to bring perpetrators of East Timor human rights violations to trial, despite Wahid's own commitment towards developing human rights. The reason for this was because he viewed such demands as a danger to his rule and Indonesia's stability since the military and Suharto remained influential despite the progress of democracy in Indonesia.¹²¹ At the same time, Wahid also displayed his soft external balancing behaviour by engaging a number of countries, or hedging politically and economically with countries, such as Arab countries, the PRC and Russia, to cut down Indonesia's reliance on the IMF and Western states as well as to get external support for Indonesia's territorial integrity by displaying its diplomacy which centred on human rights and the progress of democracy for its troubled provinces.¹²² This would later translate into his numerous state visits which, according to Wahid, served the purpose of getting countries to be committed to Indonesia's territorial integrity.¹²³

Similar to the neoclassical realism argument, "Two Level Game" analysis also considers the interplay between external and internal forces with regard to Wahid's human rights policy. The theory assumes that a leader's main interest is to maintain his/her rule by finding a state of equilibrium between external expectations and domestic concerns.¹²⁴ In applying the theory to Wahid's case, as Western power pressures were reduced significantly, as argued by neorealism and neoclassical realism, it should have been easier for Wahid to find

¹¹⁸ Wahid's maintaining unity in Wahid, August 7, 2000 and Wahid's Islamic human rights concept in Arif, 2013, pp.55-7.

¹¹⁹ Ibid.

¹²⁰ Anders Uhlin suggested that Wahid and Rais had a neo-modern Islamic perspective, 1997.

¹²¹ See "Wiranto to get special consideration, says Wahid", February 9, 2000.

¹²² Wahid, August 7, 2000, op.cit. and He, 2008, op.cit. and Smith, 2000.

¹²³ Ibid.

¹²⁴ Putnam, 1988, op.cit., pp. 427-60.

the acceptable trade-off between external and internal constraints to secure his rule. For example, Wahid's democratic election victory and his image as a liberal and advocate of human rights had made the US and Western powers tolerate (low pressure) Wahid's internal balancing strategy, as seen in his refusal to try the actors and individuals responsible for the human rights abuses during Indonesia's exit process from East Timor, as well as Wahid's hedging strategy to cut Indonesia's economic dependency from the Western powers.

Yet, Wahid's impeachment by the MPR in 2001 indicated Wahid's failure to maintain an effective balance between what was tolerated externally and what was acceptable internally, resulting in his domestic ousting from power. If seen from "Two Level Game" theory logic, it was on the domestic front that Wahid failed to satisfy his constituents, despite his significant pro-human rights policies. This was because Wahid had increasingly broken up his own party coalition, tried showing civilian supremacy over the military in a sluggish manner, and finally established erroneous policies. Several of such erroneous policies were pursuing his highly unpopular Israel policy, causing him to lose the Islamic population's support as his original power base, and trying to dissolve the MPR through Presidential Decree, which contradicted his own democratic stand. As Wahid's foreign policy tone was becoming increasingly anti-West, Wahid's impeachment by the MPR also caused Wahid's attempt to better Indonesia's human rights conditions to be overlooked by both domestic and external democracy advocates, and his fall from the head of Indonesia's domestic power structure became imminent.

5.4 Megawati Sukarnoputri's *Pancasila*-ist Human Rights Policies: 2001-2003

5.4.1 A Tentative Democracy

After Abdurrahman Wahid was impeached by the MPR in July 2001, before his tenure expired, Vice President Megawati became Indonesia's fifth President. Megawati, unlike Wahid, enjoyed firm military support and her party, the PDIP, was the dominant party which controlled 31 percent of the parliamentary seats.¹²⁵ Her party also secured a substantial coalition with the major parties and achieved solid domestic support for her policies, in contrast with Wahid's fragile coalition. Her '*Gotong Royong*' cabinet reflected a fair

¹²⁵ He, 2008, op.cit., p.65.

distribution of power among the major party members by making them ministers and officials in executive branches of the government. Though Megawati symbolically continued Wahid's democratic reforms but there were indications suggesting the lack of initiative by her government to support further democracy and human rights development.

When Megawati was chosen as President in 2000, the Indonesian government's external relations with the US were at their lowest point. This was due to the US usage of the conditionality of IMF loan agreements to impose a Western human rights agenda, its demand to bring perpetrators of human rights abuse in East Timor to justice, and its latest pro-Israel position in the Israel-Palestinian conflict at the end of 2000 that had infuriated the majority of Indonesia's Muslim population.¹²⁶ This caused the Indonesian public to be mostly sceptical of the US or Western powers' intentions in Indonesia because most presumed that the Western powers were prepared to undermine Indonesia's sovereignty and unity if given the chance.¹²⁷ Meanwhile, the US also seemed to be wary of the PRC's more assertive actions in the South China Sea and its increased trade in ASEAN, and hence began to engage ASEAN.¹²⁸ In responding to such uncertain geopolitical conditions, the US, as in Wahid's period of rule, exerted low external pressure (sanction-less pressure) upon Indonesia as it tried not to agitate Indonesia's public further as anti-West views began to dominate.

Such circumstances allowed Megawati to introduce her own 'back to basics' foreign policy.¹²⁹ This was achieved by introducing a 'neighbour first' foreign policy which prioritised Indonesia's involvement in ASEAN. She stated in her 2001 presidential speech that:

In order to create a strategic yet conducive environment for the attempts to resolve domestic problems, last August I visited 9 ASEAN countries. Apart from reaffirming ASEAN as our foreign policy cornerstone, such a step was also intended to strengthen our bilateral relationships with countries in the region.¹³⁰

Her concentration on ASEAN was reflected in her role in establishing the Bali Concord II

¹²⁶ See Smith, 2003, pp.453-4.

¹²⁷ See Wibisono, 2009, pp. 194-5.

¹²⁸ Ibid, p.197.

¹²⁹ Anwar, 2003, op.cit., pp. 70-90.

¹³⁰ See Megawati's speech in Sukarnoputri, 2001. (Unofficial translation made by the researcher).

agreement in 2003, along with the rest of the ASEAN leaders, to transform the association into an ASEAN Community comprising of the ASEAN Security Commission (ASC), the ASEAN Economic Community (AEC) and the ASEAN Socio Cultural Community (ASCC).¹³¹ The ASC was later proven to be pivotal for the development of a human rights framework in the South East Asia sub-region.

Internally, the third amendment to the 1945 constitution was also carried out under her leadership which mean that Indonesia's public would be able to vote for the President through a 'direct election' process. In terms of parliamentary reforms, the DPR's (lower house) Commission also began to function as intended to assess issues of foreign policy in *Komisi I* and human rights in *Komisi III*. This allowed the legislative to have a say in government regulation and policy despite the fact that the President still had the ultimate say in government's policy, based on the amended UUD 1945.¹³²

During the same period, NGOs also continued to expand and demand human rights progress, as became evident during the terms of Habibie and Wahid. Local NGOs such as *Yayasan Lembaga Bantuan Hukum Indonesia* (YLBHI), *Aliansi Jurnalis Independen* (AJI), Imparsial, KONTRAS, dan Kalyanamitra and *Eksekutif Lembaga Studi Advokasi Masyarakat* (ELSAM) continued their efforts in voicing their opposition to government policies which were in contradiction of human rights. Megawati, however, seemed hesitant and, instead, displayed a more conservative behaviour toward NGOs by showing a lack of both interest in, and sensitivity to, their outright demands. Thus, many of the NGOs were concerned about Megawati's behaviour when dealing with human rights issues, especially in relation to the unsatisfactory result of the trial regarding Indonesia's military role in East Timor in 1999, and the *Tanjung Priok* incident, which was mostly ignored by Megawati's administration.¹³³ She stated that rights granted to the Indonesian public had largely been misused to promote only certain interests and anarchy:

My impression is that there has been a recent pattern in society that tends to use human rights to fulfil certain interests while at other times human rights

¹³¹ Wibisono, 2009, op.cit., pp.207-12.

¹³² Ibid, p.256. In an interview by Wibisono, Sabam Sirait, a senior member of the parliament, argued that the President can exercise personal discretion since he/she can choose whether he/she should follow the parliament or not, despite whether he/she should now (due to the amendments) hear what the parliament has to say.

¹³³ See Pradityo, March 15, 2004.

are used to negate things that do not correspond to certain interests. Meanwhile, there is also the tendency to excessively adhere to it, as if 'human rights' is a limitless concept.¹³⁴

Interestingly, after the 11 September 2001 WTC terrorism incident, the strained relation between Indonesia and the Western powers would be substantially rectified due to the Western powers' change of emphasis from 'Democratic Enlargement' to its 'War on Terror' agenda.¹³⁵ Although Megawati had denounced the alleged terrorist attack, later she opposed the US retaliation against Afghanistan as a direct response to the 9/11 incident by stating that the US and its allies' unilateral action was unjustified. The US responded by beginning to loosen its pressure on Indonesia and shifted its policy from an overwhelmingly human rights-concerned foreign policy to a more cooperative policy, as proven by President Bush's engagement with Megawati in 2001 and the surfacing of talks about lifting military and commercial sanctions.¹³⁶ At this stage, the Western powers led by the US had entertained the probability for Indonesia to once again be their partner, particularly in the fight against global terrorism. Such a gesture by the US and Western powers had gained ground especially after the 2002 Bali Bombing incident, the 2002 breakdown of Cessation of Hostilities Agreements (CoHA) between the GAM separatist movement in Aceh and the Indonesian government, and the 2003 Jakarta (JW Marriott) bombing.

Concurrently, the elite groups played a vital role in Megawati's decision-making process. For example, Muslim groups under her rule proved to be an important element in influencing the policy-making process.¹³⁷ Megawati's intention to engage the US during her rule was becoming a complex issue after the US initiated an aggressive policy against Afghanistan, an Islamic state. The hard-line Muslim group in Indonesia's domestic politics, enraged at US policy, had successfully exerted pressure on the Megawati government to criticise the US. Megawati's government heeded to such pressure as she then started changing the tone of her policy, as demonstrated in her comments, and later followed by her minister for foreign affairs' comments in the 2001 APEC forum, in criticising the US

¹³⁴ Sukarnoputri, 2001, op.cit.

¹³⁵ Wibisono, 2009, op.cit., pp.195-8.

¹³⁶ Ibid. The US change of attitude was mainly due to Indonesia's large Islamic population which could be a potential safe haven for Islamic terrorists and militias and hence pose a threat to the US' 'War on Terror' campaign.

¹³⁷ Ibid. pp.219-36.

unilateral policy against Afghanistan.¹³⁸

Also, in terms of IMF control over Indonesia, like Wahid, Megawati tried to detach Indonesia's dependence on the IMF by completing the loan repayments needed for its economic recovery. Regarding Indonesia's economic reliance on the IMF and World Bank, however, in contrast to Wahid who resisted some of the imposed Western-supported IMF guidelines, Megawati stated that Indonesia needed to settle matters with the IMF quickly and, hence, Indonesia needed to cooperate with the IMF.¹³⁹ Like her father's perception, Megawati had the view that Indonesia should be truly independent, self-sufficient and sovereign, and she also strongly argued that Indonesia should not be a 'copycat' nation whereby everything is being dictated from outside or by a stronger country. For example, regarding the IMF, she stipulated that "...we remain committed to our principled stance that such a cooperation should not take over our own efforts to overcome the crisis or in any way interfere in our sovereignty".¹⁴⁰

By ending Indonesia's engagement with the IMF rapidly after the loan repayments were completed, Indonesia, according to Megawati, would have been able to cut off its main source of dependence, a sign of its lingering vulnerability, and it would be free to restore its self-sufficiency and to regain its complete sovereignty.¹⁴¹ Megawati's government ceased the IMF loan package on 31 December 2003 which meant the end of external powers' substantial pressure that had exploited Indonesia's economic vulnerability through the loans.¹⁴² Megawati's ending of the IMF dependency indicated her intention to re-strengthen Indonesia's sovereignty in relation to external powers and reflects her view of a stronger Indonesia in terms of relative power distribution in direct comparison with Habibie's perception of a dependent Indonesia.

¹³⁸ Ibid.

¹³⁹ Megawati's decision to terminate Indonesia's involvement in the IMF was a show of force to the world that, in spite of having to engage in an economic recovery through a difficult road by virtue of the loss of IMF funds, Indonesia was able to stand on its own in a self-sufficient manner. Wibisono, 2009, op.cit., p.102.

¹⁴⁰ See Megawati's speech in Sukarnoputri, 2002, p.9 of 14.

¹⁴¹ Sukarnoputri, 2001, op.cit. and Wibisono, 2009, op.cit., p.102.

¹⁴² See Suryadinata, 2004, p.100.

5.4.2 Megawati's Half-hearted Human Rights Policies

Under Megawati, the military seemed to be brought back to life after it had been pacified under Habibie and Wahid's presidencies.¹⁴³ This was demonstrated in Megawati's policy which mirrored Suharto's militaristic policies, as she herself did not seem to mind an increased role for the military in civilian life and politics.¹⁴⁴ She stated that "...dwifungsi ABRI is not a problem as long as ABRI still dedicate themselves to the interest of the people".¹⁴⁵ This was visible in her chosen policies, particularly in the human rights field, as they tended to be influenced by the rebirth of the military influence in Indonesian politics, such as her refusal to pursue those responsible in the East Timor and *Tanjung Priok* cases, which had involved a number of military personnel.¹⁴⁶ One highlighted controversy during her leadership was Megawati's endorsement of General Sutowo's reappointment as the governor of Greater Jakarta which enraged human rights activists at home and abroad, given Sutowo's alleged involvement in a number of human rights violations.¹⁴⁷ This strengthened the military's position in Indonesian politics, and was in stark contrast to what her predecessors, Habibie and Wahid, had tried to establish by reducing the military's role in politics.

At the same time, Megawati herself did not vigorously advocate in favour of an external discourse on human rights. Megawati, for example, was a staunch nationalist and a loyalist to the formulation of *Pancasila* and the UUD 1945, and hence she considered that Indonesia's ideal democracy and human rights implementation should be based on the *Pancasila* and the UUD 1945.¹⁴⁸ She did perceive rights to be somewhat important since, according to Megawati, the military, the private sector and *wong cilik* (poor people) all have equal claims on human rights as all these parties are human beings.¹⁴⁹ However, her

¹⁴³ See Human Rights Watch, July 10, 2003.

¹⁴⁴ In her view, the military has a role to play in politics as captured in Suharto's *dwi-fungsi* (dual function) role of the military as long as they are doing it for the people in Sukarnoputri, 1993.

¹⁴⁵ Ibid. *Dwi-fungsi* ABRI is a concept whereby the military has a dual function in participating in civilian life and politics as well as in defending the nation state.

¹⁴⁶ Human Rights Watch, July 10, 2003, op.cit.

¹⁴⁷ See J.A. & Surdiasis, 2006, pp.88-90.

¹⁴⁸ As a *Pancasilaist*, human rights should be sourced on *Pancasila* and according to *Pancasila* should be restricted to certain limitations, namely: one should be accountable for human rights before God; they should promote national unity, they should remain within the democratic sphere, they should serve the general well-being and they can be restricted by the aims of the state in Setiardja, 1991, p.32.

¹⁴⁹ Sukarnoputri, 1993, op.cit.

understanding of human rights can be distinguished from the Western conception as she stipulated that:

It is very naive if matters on human rights must be debated between those who are in power and those who are not...indeed it is very naive to debate the interests of the majority with the interests of the state or vice versa with reasoning of human rights...such freedoms must be sourced from the basic understanding of human rights based on Pancasila...Moreover, it is not logically acceptable if there are other nations which impose or dictate to us their own version of human rights...the yardstick for human rights in Indonesia must be sourced on what has been mandated by Indonesia's own constitution.¹⁵⁰

Due to such perceptions, Megawati did not try to strengthen democratic or human rights institutions through new initiatives, as her policies were merely extensions of her predecessors' policies. For example, Megawati simply continued the 2nd RAN HAM or National Action Plan on Human Rights which called for the next cabinet to continue international ratification of UN human rights instruments such as the Rome Statute of the International Criminal Court (ICC). The Government had also taken into consideration the DPR's directives concerning law enforcement in relation to the protection of human rights.¹⁵¹ Wahid's proposed Law No. 26 of 2000 on Human Rights Tribunal, as a legal instrument, was complemented under Megawati by Government Regulation No. 2 of 2002 regarding its Procedure on Protection of Victims and Witnesses in relation to Grave Violation of Human Rights, and by Government Regulation No. 3 of 2002 regarding Compensation, Restitution and Rehabilitation for the Victims of Grave Violation of Human Rights. The judicial process on human rights cases as they became ready for trial, including that of the violation of human rights in East Timor, was also under way during Megawati's term of office.¹⁵²

However, after the 2001 WTC incident in the US, the human rights policies of Megawati's government shifted. According to a Human Rights Watch report, Megawati's human rights policies resembled those from Suharto's New Order.¹⁵³ For example, with less

¹⁵⁰ Ibid.

¹⁵¹ Sukarnoputri, 2002, op.cit.

¹⁵² Ibid.

¹⁵³ Human Rights Watch, July 10, 2003, op.cit.

international pressure and less scrutiny for Indonesia's human rights conditions, Megawati was beginning to restrict freedom of expression, as demonstrated in a number of individual arrests made by her government during peaceful demonstrations.¹⁵⁴ Megawati also seemed to prefer a heavy-handed or militaristic policy on regional unrests such as the ones applied to Aceh's GAM movement, if compared with Wahid's dialogue approach, as seen in her government's military aggression in 2002 against GAM members following the breakdown of CoHA.¹⁵⁵ She also perceived that there was a considerable link between the threat of separatism and the discourse of democracy (inclusive to human rights) and, hence, the solution for both is relatively similar as she said that "...in parallel to the economic and recession problems as well as the stronghold of world fear of terrorism, I need to report that the tendency to secede – or separatism – needs to be treated with great caution".¹⁵⁶ She also added that "...the threat of separatism in certain regions, which rides behind the discourses of democracy, openness, and human rights, has been resolved".¹⁵⁷

Another report by the Coalition of NGOs stated that Megawati's government seemed incapacitated when it came to bringing the perpetrators of human rights violations to justice, namely regarding the *Tanjung Priok* and East Timor cases, even though the trials had commenced.¹⁵⁸ The trials were even considered as Megawati's way to wash her hands of government responsibilities or involvement in these human rights violation cases. In addition, Megawati's administration was suspected of having purposefully delayed the ratification of two of the most important human rights conventions, namely the ICCPR and the ICESCR, although their ratification had already been approved by the RAN HAM.¹⁵⁹

5.4.3 A Neoclassical Realism Explanation

If seen from the perspective of neorealism, prior to the September 2001 WTC incident, the relaxation of external political and economic pressures on Indonesia had unpredictable consequences for Indonesia's behaviour, such as whether Indonesia would

¹⁵⁴ Ibid.

¹⁵⁵ Ibid.

¹⁵⁶ Sukarnoputri, 2001, op.cit.

¹⁵⁷ See Megawati's speech in Sukarnoputri, 2003.

¹⁵⁸ Pradityo, 2004, op.cit.

¹⁵⁹ Ibid.

balance against or bandwagon with the Western powers. In her early rule, despite the low pressures from her external environment, Megawati seemed to be bandwagoning with Western powers, as demonstrated by her early chosen policies, namely continuing the IMF loan policy and human rights policies initiated by her predecessors. Yet, if seen from a neoclassical realist perspective, as Indonesia was facing more relaxed external constraints prior to the WTC 2001 incident, there were several indications that Megawati had abandoned Indonesia's bandwagoning behaviour. Firstly, Megawati seemed to be very interested in a policy for Indonesia to opt out of the IMF loans contract expediently in order to reclaim Indonesia's economic sovereignty which had been severely brought down by the Western powers, IMF and World Bank through the conditionality mechanism. Secondly, her consolidation of internal power prevented a vibrant parliament and halted the progress for a more democratic environment in Indonesia's domestic politics that had been demanded by Western powers at the time. Also, Megawati was astutely congenial towards military figures, and the military organisations seemed to reciprocate her welcoming gestures, making her the acceptable figure for the military despite Western NGOs articulated concerns of a possible military comeback in Indonesia.¹⁶⁰ This, for example, may have contributed to her less enthusiastic human rights policy and the marginalisation of NGOs. Meanwhile, potential civilian oppositions avoided clashing with the Megawati government as most parliament members realised that Megawati had commanded a strong majority party, the PDIP, in the parliament and she had strong support from the military.¹⁶¹ Such conditions can be contrasted with Wahid's experience where parliamentary members and the military were committed to pose a head-on challenge against the executive.

The reasons of such choices of policy can be traced using neoclassical realism's intervening variables. In terms of domestic power structure, Megawati seemed to have applied a lesson learnt from Wahid's mistakes. Her priorities were on not making internal enemies and not applying Wahid's style of democracy where random domestic factors such as NGOs, civil societies, legislatures and other formal and informal institutions can play a part in policy-making. This resulted in Megawati's domestic manoeuvres to embrace the

¹⁶⁰ According to Hendardi, Megawati is very dependent on the military because she is aware that her own authority is weak. This is because, although she commanded the majority party, she only attained the presidency as a result of a compromise with other parties. The TNI, however, is very strong, so she tries to accommodate their priorities in Human Rights Watch interview with Hendardi, Chairman, PBHI, November 20, 2002 in Human Rights Watch, July 10, 2003, op.cit.

¹⁶¹ Wahid, for example, attempted to dissolve the parliament through a decree by issuing a state of emergency and the MPR but the military responded with Wahid's impeachment move. He, 2008, op.cit., p.65.

military figures linked to the New Order to assure stability and security, to pacify parliamentary power and, thus, she alienated civil society groups.¹⁶² In this regard, the change in domestic power structure which had favoured Megawati's rule also provided substantial room for further democratic reforms to take place but Megawati, as the leading influential figure, did not capitalise on such a domestic opportunity to maintain the democratic momentum. One clear example of this was the fact that she had refused to resume Wahid's military reforms which could endanger her own rule as well as Indonesia's survival. Having pacified the parliament and civil society (inclusive of NGOs) and embraced the military, Megawati's perception becomes the crucial domestic intervening variable for her chosen policies in responding to the external demands.

As Megawati had now become very influential in policy-making, she responded to the existing external constraints and internal threats through a series of balancing strategies directed at Western powers' influence. Firstly, she applied an internal balancing strategy by being adamant about not giving in to the pressures to democratise further, as dictated by external parties and NGOs, as she decided to limit Indonesia's human rights progress after it was set in motion by Habibie and Wahid.¹⁶³ The other indication of her internal balancing strategy was clearly depicted in her government's lack of commitment in investigating and holding trials for perpetrators of past human rights violations committed by the military figures from the New Order regime. In this regard, Megawati's domestic manoeuvre for internal consolidation was aptly targeted to ensure her regime's survival by ensuring internal security through the military's *dwi-fungsi* at the expense of Indonesia's democratic and human rights progress.¹⁶⁴

At the same time, she also began to embark on a soft form of external balancing strategy by re-engaging ASEAN. The reason for this was mainly because ASEAN was Indonesia's regional defence to counter threatening external influences (as seen in Suharto's usage of ASEAN to counter the spread of communism during the Cold War) while, at the same time, economic stability could be promoted through ASEAN by gaining greater confidence from major trading partners, foreign investors, donor agencies and donor countries as a way for Indonesia to consolidate its economic strength.¹⁶⁵ Also, through

¹⁶² See McCulloch, 2001, p.103.

¹⁶³ Human Rights Watch, July 10, 2003, op.cit., pp.3-4.

¹⁶⁴ Ibid.

¹⁶⁵ Anwar, op.cit., pp. 70-90.

ASEAN's ASC, as part of ASEAN Concord II, Indonesia began to display its external balancing strategy.¹⁶⁶ The ASC, apart from being used to reclaim Indonesia's 'strategic centrality', was used to project Indonesia's human rights interests in ASEAN.¹⁶⁷ Indonesia's interest in the ASC was to show the international community in general, and Western powers in particular, that there was another way to promote human rights in the region which does not involve sanctioning, aid-withholding, or political pressure. It could be achieved the ASEAN way, involving mechanisms such as 'constructive intervention', 'flexible engagement' and 'enhanced interaction' which still revolved around ASEAN's main principle of 'non-interference'.¹⁶⁸

However, in the post-September 2001 WTC incident period, the external environment had presented Indonesia with a completely different geopolitical condition. Here, the external pressures exerted upon Indonesia changed drastically as the Western powers would instead be welcoming Indonesia to join their 'War on Terror' campaign by applying a less-concerned policy regarding their human rights agenda and, instead, resuming military and economic cooperation. The Western powers' sudden change of attitude towards Indonesia's handling of human rights and democracy had also, indeed, questioned Indonesia's '*reformasi*' agenda motives. Such changing systemic pressure could also potentially point out the reasoning behind Indonesia's democratic changes, whether the applied democratic reforms were made genuinely based on Indonesia's own grassroots democratic movement or simply a government strategy to serve its national interests. This was because external pressures and threats had now become an external opportunity for Indonesia to either continue or to reverse the ongoing democratic process.

Interestingly, Megawati was initially not moved by such external gestures until a number of incidents occurred, namely the 2002 Bali Bombing and the 2003 Jakarta (JW Marriott) Bombing.¹⁶⁹ If seen from a neorealist perspective, after these domestic incidents, Megawati should have bandwagoned automatically, considering the Western powers' welcoming gestures and Megawati's less enthusiastic human rights stance. Yet, neoclassical realism would argue, although Megawati would later bandwagon with the Western powers' 'War on Terror' campaign with anti-human rights fervour, a closer look at Megawati's policy

¹⁶⁶ See Weatherbee, 2005, p.151.

¹⁶⁷ Ibid, pp.162-3.

¹⁶⁸ Ibid, p.159.

¹⁶⁹ Suryadinata, 2004, op.cit., p.101.

would suggest that there might be domestic reasons which caused the delay in her bandwagoning behaviour that had repercussions for her upcoming shift in her human rights policy. This means that the reasoning behind Megawati's shift in policy from balancing to bandwagoning behaviour, and from an anti-West human rights policy to an overall anti-human rights policy, would firstly need to be traced through an investigation using neoclassical realism's domestic intervening variables, namely the domestic power structure and Megawati's own perceptions.

During this period, the Western powers and Australia would now be less vocal in criticising Indonesia's human rights records, despite knowing Megawati's tendencies to delay Indonesia's human rights progress. When the 9/11 tragedy unfolded, Megawati had earlier been planning a state visit to the US, so she decided to proceed with the visit and tried to seize the opportunity immediately by condemning the terrorist attacks. This is a sign of a possible bandwagon with the US.¹⁷⁰ The US responded with the invasion of Afghanistan as retaliation for the incident. However, if seen from the existing domestic power structure at the time, due to the emergence of democratic forces in forms of oppositions within Indonesia's newly revamped domestic power structure, Megawati could not pursue an immediate bandwagoning strategy with the US. Mainly this was because there were immense domestic pressures led by a number of Islamic parties and the majority of the Islamic groups in demanding that the government should take a strong stand against US invasion of Islamic countries.¹⁷¹ This also indicated a show of strength of Islam as a political power within Indonesia's domestic power structure. In responding to such internal pressure, Megawati and her foreign minister would then formally readjust Indonesia's position in rejecting the US unilateral action towards Afghanistan.¹⁷²

Despite such internal pressure, Megawati continued to entertain the US anti-terrorism policy by meeting with US President Bush in Bali, even after Indonesia's policy against the US invasion had been ignored by the US. This is a sign of her government's bandwagoning behaviour. In this regard, despite the intense criticisms coming from Indonesia's domestic actors, such as parliamentary members and Islamic NGOs, the domestic power structure allowed Megawati and her coalitions (military, PDIP, and GOLKAR) to have the ultimate say

¹⁷⁰ Ibid.

¹⁷¹ Ibid.

¹⁷² He, 2008, op.cit., p.66.

in deciding policies. She continued her initial strategy of bandwagoning with the US and Australia to investigate and arrest terrorist suspects from Jamaah Islamiyah (JI), which was believed to be affiliated with Al Qaeda and had planned the two bombings.¹⁷³ At the same time, the government under Megawati would also begin to expand the authority and structure of its national intelligence body, namely the *Badan Intelijen Nasional* (BIN), as seen in the government 'anti-terrorism' regulations. Such regulations were viewed as restricting civil liberties because they provided intelligence institutions with a coercive power to detain suspected individuals or retrieve information in the name of protecting civilians from terrorism.¹⁷⁴ This means, as a sign of Indonesia's bandwagoning behaviour with the US, that Indonesia had shifted from a reform policy with a heavy human rights agenda, as instigated by Habibie and Wahid, to a policy which had accommodated strong anti-terrorism measures through regulations which were anti-human rights in nature.¹⁷⁵

At this stage, Megawati also used Indonesia's bandwagoning behaviour to safeguard her rule.¹⁷⁶ Provided with the opportunities in her external environment and influenced by her closeness to the military, Megawati would now try to bring Indonesia to converge its interests with those of the US and its allies to solve Indonesia's domestic problem of local terrorism and separatism, especially after the breaking down of the CoHA agreement between the GoI and Acehese GAM in 2002.¹⁷⁷ In other words, she had attempted to link Indonesia's Aceh problem to the global Islamic extremist and militant movements in spite of meeting US' objection.¹⁷⁸ This puts her policy in stark contrast with those of Habibie and Wahid, who had both tried democratic solutions such as human rights improvements, dialogue and granting of autonomy in dealing with separatist issues.

As a result, despite the democratic changes in Indonesia's domestic power structure, her strong political coalition and her closeness with the military allowed her to stage a full scale military aggression against GAM in Indonesia's Aceh province, by bypassing the

¹⁷³ Ibid.

¹⁷⁴ Pradityo, 2004, op.cit. and UU No.15 tahun 2003 or Law No. 15/2003

¹⁷⁵ In 2003, Megawati introduced a new and tougher law on terrorism known as Undang Undang No. 15/2003 tentang Pemberantasan Tindak Pidana Terrorisme [Law No. 15/2003 on the Elimination of Terrorism] which was heavily criticised by NGOs and pressure groups as it gave more authority to military/police to detain people based on terrorism allegations in Suryadinata, 2004, op.cit., p.89.

¹⁷⁶ He, 2008, op.cit.

¹⁷⁷ Ibid, pp. 67-9.

¹⁷⁸ Although Megawati had tried but the linking between the issue of separatism and terrorism was rejected by the US in Smith, 2003, pp.465-6.

existing domestic hurdles. The aggression resulted in a large amount of civilian casualties and considerable human rights violations in the Aceh province as part of her iron hand strategy towards the secession movements which had threatened Indonesia's territorial integrity. The immediate reaction was that the US Congress proposed a continuation of the banning of arms sales and supplies to Indonesia, while the British government refused to allow its fighter jets to be used in the military campaign against Aceh.¹⁷⁹ However, such sanctions had less impact on Megawati's bandwagoning policy because President Bush would instead reinstate military ties with Indonesia despite US congress's resentment.¹⁸⁰

The success of Megawati and Bush to downplay international concerns regarding Indonesia's regression in terms of human rights was an indication of an improved relationship between Indonesia and the US. As a result, no substantial international scrutiny took place regarding Megawati's handling of GAM, in contrast to the 1999 East Timor case. By applying bandwagoning strategy, after the 2002 Bali bombing and the 2003 Jakarta Bombing, Megawati was successful in putting Indonesia's interests back on the US agenda, as symbolized by the agreement signed by both countries to resume provision of military supplies and military training, as well as the Indonesia-Australia joint establishment of the Jakarta Centre for Law Enforcement and Counterterrorism (JCLEC) in 2004, despite the continued violation of human rights. This would also mean that Megawati's pragmatic interpretation of independent and active policy began swinging the pendulum back to the right, and Indonesia under Megawati would bandwagon with the US by choice.

If seen from "Two Level Game" theory logic, Megawati's smooth ruling until the expiration of her term in 2004 showed her success in maintaining an effective balance between external constraints and domestic expectations. For example, Megawati's internal balancing strategies, as argued by neoclassical realism (paying off the IMF loans expediently, marginalising democratic movements and embracing the military) showed her success in meeting her domestic constituents' expectations. Meanwhile, her external balancing strategies, such as re-engaging ASEAN to balance the Western powers' influence, and her later shift to bandwagoning with the US 'War on Terror' campaign indicated her government's effective reading of external constraints and opportunities to serve Indonesia's interests, as well as Megawati's own as rule. This was demonstrated in the Western powers'

¹⁷⁹ See Suryadinata, 2005, p.145 and Aglionby, 2003.

¹⁸⁰ Ibid.

shifting positions towards Indonesia, from being tolerant of Megawati's internal balancing strategies prior to the 2001 WTC incident to inviting Megawati to align her interests with Western powers in the post-2001 WTC period, despite Megawati facing domestic oppositions (NGOs and Islamic movements). Yet, Megawati's alignment between external constraints/opportunities and domestic expectations comes with a consequence. Such consequence was that Indonesia's democratic progress, initiated by Habibie and Wahid, seemed to have been deprioritised by her aligned interests with Western powers to deal with Indonesia's separatism problem and terrorism. This can be seen in the increased number of human rights violations committed by her government, despite her effective rule, if compared with Habibie's and Wahid's rules.

5.5 Conclusion

In conclusion, the research finds that, during the Habibie period, the transitional President faced immense Western power pressures which immediately suggested a potential neorealism explanation as the most plausible explanation for Indonesia's human rights policy shift. However, as neoclassical realism can consider, since state institutions and democratic forces had only been in an embryonic stage, Habibie's position and perceptions remained as the most crucial intervening domestic variables in determining Indonesia's bandwagoning or balancing behaviour in responding to the heavy Western pressure. With regard to Habibie's anomaly of pro-human rights and democracy policies which tended to be disruptive to his New Order regime, neoclassical realism analysis would need to be complemented by 'Two Level Game' theory analysis in order to get a better understanding of Habibie's oversight of the consequences of his own actions as Indonesia, after the Habibie-led reforms, transformed into a functioning new democracy with unpredictable policy variants on human rights and the practice of democracy.

Facing a less constrained external environment, Habibie's successor, Wahid tried to maintain a policy continuation in terms of human rights within Indonesia's new democracy. The research finds that neoclassical realism analysis illustrates that, during Wahid's rule, the low and more relaxed external pressures allowed Indonesia to perform both external and internal balancing. Interestingly, however, such state balancing behaviour was mainly due to

the development of Indonesia's domestic political institutions, particularly the MPR, as seen in the rise of Rais's influence in Wahid's policy-making. Yet at the same time, Wahid and Rais's pro-West human rights policy is in agreement with their perceptions of neo-modern Islamic human rights and, thus, can be construed as an internal balancing act to maintain Indonesia's stability and territorial integrity against Western influences in Indonesia's domestic affairs, such as separatism. Even so, again, Wahid's erroneous policy towards the end of his rule, as neoclassical realism and 'Two Level Game' theory analysis points out, was mainly due to his erroneous choice of internal and external policies in testing the relations between Indonesia's new domestic democracy and its external environment, and it ultimately led to Wahid's impeachment by the MPR, as Indonesia's newly strengthened parliament.

With regard to Indonesia's human rights policy during Megawati's presidency, the research also finds that, through the usage of neoclassical realism and 'Two Level Game' theory analysis, overall, Megawati had been less concerned about human rights policies. Prior to the 2001 WTC incident, her policies served as soft balancing behaviour targeted at the Western powers' influence although, just as in Wahid's period, they were tolerated by Western powers. She was nevertheless successful in finding an effective trade-off between what was expected domestically and what was tolerated externally. Her success was achieved through a number of internal balancing strategies such as Megawati's manoeuvre in sacrificing Indonesia's human rights progress and her embracing of the military which, again, caused less challenges to her policy options. After the 2001 WTC incident, however, Indonesia's external environment had shifted from constraints to providing opportunities for Indonesia. The presented external opportunity provided support for her policy shift from her predecessors' policies that were heavy with a human rights agenda to the ones which were less concerned with human rights. In this regard, Megawati's own perception was the main reason for her chosen bandwagoning strategy with the Western powers. She did this by aligning interests less with human rights policy and more with the Western powers' "War on Terror" campaign.

The next chapter discusses Indonesia's further development in terms of domestic power structure, especially since Indonesia had changed its presidential election into a direct popular election rather than nomination by the parties. Susilo Bambang Yudhyono, as the winner of the 2004 election and the successor of Megawati, became Indonesia's sixth President and this research will investigate SBY's dealings with human rights issues

throughout his leadership. It will analyse the external factors and internal factors from a neoclassical realism perspective.

CHAPTER 6

Susilo Bambang Yudhoyono's Human Rights and Anti-Human Rights Policy: 2004-2014

6.1 Introduction

This chapter explores Indonesia's human rights policy under President Susilo Bambang Yudhoyono (SBY). During his term, human rights improvements were evident within Indonesia and also were included to a greater degree within its foreign policy. The important question is if Megawati, as Indonesia's sixth President, did not perceive Indonesia's declining human rights development as a matter of concern and chose to bandwagon with the US and Western powers in its "War on Terror" campaign, then why would SBY, as Indonesia's seventh President, view human rights and democracy as an important matter and perform balancing acts against the US and Western powers? To be able to answer this question, the researcher argues that neoclassical realism, as a tool of analysis, has the potential to provide an extensive explanation of the reasoning behind SBY's choices of human rights policies, by highlighting the external-internal link in affecting policy outcome.

Firstly, this chapter explores Indonesia's external dimension, namely the dominance of the US' hegemony and "War on Terror" campaign, the emergence of the PRC as a significant power and the global human rights networks that were supported mostly by Western powers. Then, the recent development of Indonesia's domestic politics under SBY, such as the rise of political Islam, NGOs, oppositions, and other factors also will be investigated. Secondly, the chapter explores SBY's chosen human rights policies. Thirdly, it explains deviations of SBY's human rights policies from the existing external constraints, if there are any, which may have been caused by domestic factors if analysed via the neoclassical realism "domestic power structure-leader's perception" model. Lastly, the chapter presents case studies during the SBY period to show the actual interplay between external variables and internal variables and how SBY reasoned between the two. These cases will be analysed by using the neoclassical realism approach in tandem with "Two Level

Game” theory analysis as a complementary modifier to the neoclassical realism approach. It is intended that application of such an approach in the cases will be able to determine what, why and how certain human rights policies are implemented as a result of the dominance of certain domestic intervening variables over others in policy making followed by a conclusion.

6.2 Neoclassical Realism “Domestic Power Structure-Leader’s Perception”

This chapter explains SBY’s human rights policy shift or continuation from the perspectives of neorealism and neoclassical realism. It will firstly consider neorealism’s privileging of external constraints in foreign policy-making, particularly the great powers’ behaviours and policies towards Indonesia. Great powers here refers to the Western powers, such as the US, EU countries and their allies, namely Australia. Here, Western powers, as during Megawati’s period, seemed to invite SBY to continue Indonesia’s bandwagoning behaviour with the US “War on Terror” and the US anticipation of the “Rise of China”. This resulted in the US and other Western powers exerting low or no pressures on Indonesia with regard to its development of democracy and human rights. Such relaxed external conditions also provided the opportunities for Indonesia, under SBY, to either bandwagon or balance the Western powers. Meanwhile, although the PRC had displayed indications of a regional hegemony, its rise had little to do with Indonesia’s democratic and human rights progress, as the PRC’s conservative view of human rights (as argued in the previous chapter) was that it belongs in the domain of state internal affairs. Likewise, although Russia remained as a great power, it had rarely influenced Indonesia’s human rights policy choices by this stage. It is, however, important to note, that Indonesia’s foreign policy at this stage was crucially tested by the recent emergence of the Sino-American tension.¹

During the SBY period, due to the increasing salience of domestic political institutions such as the MPR/DPR, civil societies and NGOs, there was a greater likelihood for the policies pursued to deviate from neorealism’s constraints. Hence, the research needs to investigate the potential of neoclassical realism’s intervening variables in analysing the policy-making process. This neoclassical realism approach is deemed important since

¹ See Reid, 2012, p.66.

Indonesian politics during SBY's period, as during Megawati's rule, still displayed a strong presidential figure, in spite of the continuous development of political institutions, oppositions and civil society. In this regard, since Indonesia's democratic system was still at a developmental stage, SBY, like Megawati, relied heavily on strategic manoeuvring to firstly consolidate internal power before he could decide on the policies to respond to external imperatives. This suggests the importance of domestic intervening variables. Successful strategies can allow influential leaders to pursue either an anti- or a pro-human rights policy despite the existence of external constraints or pressure groups. Thus, the researcher argues that the possible link between external-internal drives during the SBY period can be firmly captured through neoclassical realism, while the actual interplay between external and internal drives can be analysed through "Two Level Game" theory in modifying neoclassical realism's approach in explaining SBY's chosen human rights policies as a way of balancing or bandwagoning the external powers to maintain his rule.

6.3 A Home-grown Democracy

As the surviving hegemonic power during this period, the US, along with its allies, was engaged in its second military aggression in Iraq after it had earlier begun its military campaign in Afghanistan. The US also attempted to gain Indonesia's support for its campaign in Iraq, knowing that Indonesia was now a democracy but with groups of Islamic extremists such as *JI* and *Hisbut Tahrir Indonesia* (HTI) in its backyard. Such strategic considerations resulted in the reduction of economic and political pressures directed towards Indonesia, which had started during Megawati's period. The US military training and assistance programmes, for example, had been reconsidered in 2002 and resumed in 2005 upon the repeal of the suspension of the IMET joint cooperation with Indonesia. The suspension had been based on the US Congress "Leahy Amendment" due to Indonesia's human rights violations, particularly regarding East Timor's secession.² Overall, the US had altered its attitude towards Indonesia from one that was aggressive and demanding (as seen throughout the 1998-2001 period) to one that was more subtle and engaging (starting from the Megawati era). Later on, this was strengthened by the US' change of foreign policy trajectory in the region, as it has indicated its intention to return to the Asia Pacific region and South East Asia

² See Denmark, Sukma and Parthemore, June 2010.

sub-region after concentrating its influence in South Asia.³ Such change was sealed by the election of Barack Obama as the US President in 2008, who favoured the Asia Pacific region as a foreign policy priority.

At the same time, international attention to human rights issues and democracy worldwide had also increased significantly, in parallel with the US and Western powers' expansion of democracy and a free trade zone.⁴ Transnational human rights networks were increasingly performing monitoring and reporting functions in relation to violations of human rights, in powerful and weak states alike.⁵ Following former UN Secretary General Kofi Anan's UN reforms in 2000, UN Human Rights institutions were also strengthening as demonstrated by the changes made as the weaker UN human rights commission transformed into the new UN HRC, where issues of human rights, which at times involved superpowers, were now considered equally by the HRC, alongside those of countries like Indonesia. International human rights groups such as TAPOL had also been proactively engaging the domestic NGOs in pressuring governments to respect human rights, further strengthening transnational networks.⁶

With such developments in Indonesia's external environment, in 2004 Megawati successfully brought Indonesia to its first direct presidential election.⁷ Despite such success and parliamentary continuous support (as parliament was dominated by Megawati's PDIP party) for her rule, however, Megawati's leadership was heavily weakened by her poor handling of economic policies, such as the sale of under-priced state firm INDOSAT to Singtel, the sale of shares of some private banks to foreign banks, and the failure of her government to prosecute Indonesian businessman Syamsul Nursalim for alleged corruption. The result was the unexpected victory of SBY over Megawati during the presidential election. This resulted in an unfavourable domestic condition for SBY as he did not have the majority parties' support, despite his victory, since SBY was from a weak party known as

³ Ibid.

⁴ Anthony Lake, National Security Adviser in the Clinton administration explicates that US foreign policy as 'pragmatic Wilsonianism' as it aims to "expanding democracy and free trade, at defending democracy from its foes, at quarantining repressive and pariah states, and at protecting and promoting human rights", 1993.

⁵ See Risse-Kappen, Ropp and Sikkink, 1999.

⁶ See "Tapol: 25 Years and Still Going Strong", n.d.

⁷ See Crouch, 2010, pp. 35-9.

Partai Demokrat (PD) or the Democratic Party.⁸ At first, Akbar Tanjung's GOLKAR and Megawati's PDIP, as the number 1 and 2 parties in the 2004 election were ready to become a strong opposition to SBY. This can be seen in the formation of a "national coalition" or *koalisi kebangsaan* comprising of the GOLKAR, PDIP, PPP, and the *Partai Damai Sejahtera* (PDS) or Peace and Prosperity Party, which was aimed at controlling the DPR against SBY's smaller coalition known as the "people coalition" or *koalisi kerakyatan*.⁹ SBY's appointment of Yusuf Kalla as his Vice President, however, was decisive. Yusuf Kalla, after being appointed as vice President in 2004, would later challenge Akbar Tanjung's leadership in the GOLKAR, and won. Under Kalla's leadership, the GOLKAR would break its coalition with the PDIP and the number 1 seeded party would throw its weight behind SBY's government, followed by other smaller parties.¹⁰ This meant that SBY now had control of the executive, the GOLKAR party, a number of Islamic Parties and his own PD party, which enabled SBY to bypass substantial parliamentary hurdles.

After SBY's election as President, the US negotiated for Indonesia's support for the "War on Terror" campaign. This can be seen in the resumption of full military ties between Indonesia and the US on 22 November 2005, after the Aceh peace process and the US CIA had been working closely with Indonesia's intelligence (or BIN) as early as 2005.¹¹ The purchases of eight Apache helicopters from the US military further solidified the close relations between Indonesia's and the US military.¹² The Indonesian national police's move to strengthen its anti-terrorism capabilities by the formation of 'Detachment 88' through the US provision of Antiterrorism Technical Assistance (ATA) can also be interpreted as the US government's approval of Indonesia's contribution to the global war on terror.¹³ However, despite the US welcoming gesture, Indonesia's handling of human rights in the Papua province remained a concern for the US.¹⁴ This resulted in a condition where human rights issues continued to be a stumbling block for the relationship between Indonesia, the US and

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

¹¹ See Wandelt, 2007, pp.287-91.

¹² See "US to sell helicopters to Indonesia in \$500m deal", August 26, 2013.

¹³ See Wise, 2005, p.70.

¹⁴ In 2005, the US Congress revised the previous fifty six year US policy of silence about human rights abuses in Indonesia, and on July 28 passed the US Congress 2006 Foreign Relations Authorization Bill H.R. 2601 which made specific mention of the ongoing genocide and legitimacy of its sovereignty of West Papua. Section 1115 was the specific section referring to Indonesia.

its allies, especially regarding those human rights issues which threatened the integrity of the Indonesian territory.¹⁵

Although the US and Western powers' pressures and scrutiny were decreasing significantly due to Indonesia's support for the "War on Terror", the Indonesian parliament managed to challenge the newly elected President. This was demonstrated in the DPR's summoning of the President through the right of questioning or *interpelasi*, a constitutional right which had never been previously exercised, in regard to SBY's decision to favour the UN Security Council Resolution No. 1747 which had provided for sanctions on Iran in 2007. Such a move was seen by many parliamentarians as SBY's siding with the US and a betrayal of Muslim countries or, as one legislator pointed out, "a demonstration of how SBY is an extension of US interests".¹⁶ SBY nevertheless was aware that he had secured a majority in parliament and decided not to attend the legislative's show of power through such a questioning session and was, instead, represented by seven of his ministers.¹⁷ Even so, since Indonesia has a big Muslim population, SBY would still need to cater for the majority of Muslim parties and organisations' demands and he abstained on the next UN Security Council Resolution, No. 1803.¹⁸

At other times, SBY and the newly developed democratic environment in the legislative would find common ground on matters of human rights. For example, Indonesia's DPR members were supportive of Indonesia's projection of human rights interests (namely, for human rights clauses to be inserted into the ASEAN Charter) and ASEAN's advising of Myanmar to improve its human rights conditions.¹⁹ Another example concerning the legislative's recommendations on human rights matters was on 30 September 2009 when the DPR's Commission III on human rights had recommended that the President should authorise a search party for the 13 activists abducted by the military during the 1997-1998 clash between "people power" and Suharto's security apparatus. The Commission then recommended that the SBY government should compensate the families of the missing persons. The Commission also recommended that the UN International Convention on the

¹⁵ See Pennington, 2011.

¹⁶ See "Indonesia Ikut Setuju" March 26, 2007.

¹⁷ See "President Urged to Show at Iran Plenary Session", May 26, 2007.

¹⁸ See "Indonesia Abstains in UN Vote on Iran", March 6, 2008.

¹⁹ Sukma, 2012, op.cit., pp.83-4.

Protection of All Persons from Enforced Disappearance be ratified. As in July 2014, such a demand had been partially met by SBY, as seen in Indonesia's signing of the convention, although it had not yet been ratified and the whereabouts of the missing people remained unknown.²⁰

Regarding the military institution, when SBY came to power, as part of ongoing military reforms, the military was already separated from the police institutions and had lost much of its political influence.²¹ This trend, however, did not alter the fact that the military was a crucial actor in domestic politics. SBY himself seemed hesitant in holding public trials for his military colleagues or in meddling in military internal businesses as it may prove to be counterproductive for Indonesia's democratic agenda. For example, as demonstrated in Wahid's period, Wahid's military reforms had led to the escalation of internal security issues, such as the Ambon and Sampit cases. This means that, although military reforms were underway before SBY came into office, signalling military retreat from their allocated seats in the parliament, the military body during Megawati's rule had remained immune from presidential interference in its internal institutional affairs.²²

Yet, when SBY came to power, the military's hesitation to support civilian leaders, as well as its commitment to internal reform, would also be remedied by SBY's figure as a former military general and SBY's strategic manoeuvres within the *Tentara Nasional Indonesia* (TNI) or the National Army of Indonesia body. Unlike Megawati, who gave concessions to the army by stalling the military reform agenda, SBY performed military reforms as part of his way of consolidating power and to ensure stability by choosing loyal sympathisers in the army. Such a move can be seen in SBY's appointment of Djoko Suyanto as Commander-in-Chief, Djoko Santoso, as the army's Chief-of-Staff, General Erwin Sudjono as Commander of *Komando Strategis Angkatan Darat* (KOSTRAD) or The Army's Strategic Command and General Pramono Edhie Wibowo as Commander of *Komando Pasukan Khusus* (KOPPASUS) or The Command of Special Forces (the last two being his brothers-in-law).²³ SBY's tactic to maintain support from the TNI was achieved by

²⁰ See Adam, 2013.

²¹ The TNI and police had no appointed seats in the MPR and DPR since 2004 in Frederick and Worden, 2011, p.235.

²² Wandelt, 2007, op.cit., p.289.

²³ Crouch, 2010, op.cit., p.37 & 152.

appointing like-minded officers such as Djoko Suyanto, who was considered as a “dove”, like SBY (rather than a hardliner, which Megawati had preferred, namely General Ryamizard Ryacudu, who was considered as a “hawk” and had won DPR support). Although Law No. 22 on National Defence states that the President needs the approval of the DPR in appointing Commander-in-Chief of the TNI, SBY managed to oppose the legislator’s preference for Ryamizard Ryacudu by avoiding the head-on challenge from the legislators. SBY would delay the matter until the respected figure reached his retirement age and SBY would then install Djoko Suyanto as the army’s Commander-in-Chief instead, a figure whom SBY had supported from the beginning.²⁴

By the same token, Indonesia’s civil society was also showing vibrant signs of life under SBY as it had been transformed into an effective watchdog in scrutinising the government’s policies.²⁵ NGOs and interest groups, particularly human rights groups such as KONTRAS, continued to be vocal, particularly regarding past human rights abuses and several unresolved cases. Other NGOs, such as ELSAM, were also vocal in monitoring the government’s promises on human rights improvements. Yet, at other times, however, SBY and the legislative were united in limiting the space for NGOs to operate.²⁶ This can be seen in SBY and the DPR’s preference, through the Department of Internal Affairs, to list the NGOs and to issue licences for NGOs to operate.²⁷ The executive would then evaluate foreign and domestic NGO’s performances, particularly those which operated without a licence. Mainly, this was due to the fact that many NGOs had lost credibility in the public’s eyes, as most were thought to have been agents of foreign interests.²⁸

However, even though NGOs and interests groups were allowed to develop, it was the Islamic organisations and interests groups such as the *Front Pembela Islam* (FPI), or Islamic Defender Front, and the HTI which exerted significant pressures on the government.²⁹ Unlike the human rights organisations and NGOs, which were often depicted

²⁴ SBY’s untouchable status as a policy maker were demonstrated in SBY’s letter to the parliament revoking DPR’s and Megawati’s preference for the appointment of General Ryamizard Ryacudu as the new Chief of the Armed Forces following General Endiartono Sutarto’s resignation in Hadiwinata and Schuck, 2007, op.cit., p.399.

²⁵ See Nyman, 2009, p.257.

²⁶ See Sutrisno, 2011.

²⁷ Ibid.

²⁸ Ibid.

²⁹ Hadiwinata and Schuck, 2007, op.cit., p.353-8.

as representing external interests, these Muslim interest groups seemed to have successfully influenced government policy by utilising the sentiments of the Muslim majority. The magnitude of this influence could be seen when the 2005 Prophet Muhammad caricatures were printed in a Danish Newspaper (Jyllands-Posten) and most Islamic NGOs pressured the government to freeze its diplomatic ties with Denmark.³⁰ SBY responded favourably to such domestic pressure by saying that the cartoon was an “act of blasphemy and had clearly offended Muslims”.³¹ He further added that “...the justification of freedom of expression used by the media is difficult to accept...human rights are not absolute and their implementation must not restrict or insult the beliefs of others.”³²

When SBY was re-elected for the second time in 2009, SBY’s previous weak PD party had been transformed into the No. 1 seeded party and hence he was again able to secure parliamentary support for all his policies.³³ The PD managed to emerge as the largest party, with 21 per cent of the vote, beating the GOLKAR and PDIP. Many of the original leaders and activists in the PD were from a GOLKAR background. The party almost tripled its votes from 7.5 per cent in 2004 to 20.8 per cent in 2009, with a proportionate increase of from 57 to 148 seats in the national parliament. The PD had gone from being a relatively small player in the DPR to being the leading party. This was a personal triumph for SBY because the party had little or no identity beyond the figure of the President. Since the PD had already won the legislative election, it was a strong popular endorsement of the SBY administration and almost a certain victory for his presidential direct election.³⁴ Overall, this shows that the parliament consisted of political parties that could not maintain the loyalty of their followers, as seen in SBY’s election where many members of opposing parties would bandwagon with SBY.

After SBY secured his second term in office, an important external development facing Indonesia during the period can be seen in light of the “Rise of China”. Here, the PRC’s growing economic and military influence as a regional power, especially in the South East Asia region, was alarming for the US presence. If seen from political and military

³⁰ See Perwita, 2007, p.388.

³¹ See “SBY rejects cartoons, calls for order”, February 05, 2006.

³² Ibid.

³³ See Sherlock, 2009.

³⁴ Ibid.

perspectives, the PRC's claim of the South China Sea and its increase in military spending and capabilities were troublesome for the US and its allies and Indonesia. In terms of economy, ASEAN had certainly accommodated the PRC's growing economic power, through trade agreements such as the ASEAN-China Free Trade Area (ACFTA), and in 2008 the PRC was already Indonesia's second most important trade partner after the US.³⁵ In addition, the US concerns over the PRC's rise was also strengthened by Indonesia's "soft" way of maintaining regional security and spreading democracy and human rights in the region, which was accommodative of all powers' interests, inclusive of the PRC's human rights interests. The US, in this sense, had to tread with caution in observing Indonesia's engagement with the PRC, since a wrong US policy on Indonesia might send Indonesia closer to the PRC in terms of its human rights policy, as it had been in the Sukarno and Suharto Era.³⁶ Indonesia's methods through ASEAN, via the ASEAN Regional Reform (ARF) and the ASC, which had commenced during Megawati's era, and the BDF, which was initiated by SBY in 2008 and 2009, mostly involved engagement, dialogue and the sharing of best practices between democratic and non-democratic states. In this regard, such a method had opened the channel for Indonesia's close engagement with communist and socialist states with worrying track records of democracy and respect for human rights, such as the PRC, Cambodia, Laos, Myanmar and Vietnam.³⁷

Also, SBY's perception of the Indonesian state's relative power distribution amid the state system at this stage seems to have viewed Indonesia as a strong state, as he said:

We should be a country that has a solid national identity, but also a strong international identity...We are a proud nation who cherish our independence and national unity. We are the fourth most populous nation in the world. We are the world's third largest democracy...we treat big, medium and small-sized powers with equal respect.³⁸

SBY saw Indonesia as an increasingly influential country and he believed that Indonesia was

³⁵ Denmark, Sukma and Parthemore, 2010, op.cit., pp-23-7.

³⁶ Ibid.

³⁷ The PRC's government policy seems to suggest that the PRC tended to refrain from criticising other government practices of human rights as it could be perceived as domestic interference in Svensson, Marina, 2002, p.314.

³⁸ See SBY's speech in Yudhoyono, May 19, 2005 or in Djalal, 2005, pp.389-90.

heading towards being an important state.³⁹ Indonesia's active role in the G20 countries grouping vindicated this rising confidence as an economic power.⁴⁰ Furthermore, such confidence in his perception of the strengthening of Indonesia's relative power distribution was also demonstrated by SBY's "dynamic equilibrium" for international and regional structure.⁴¹ It was such a view that caused SBY's foreign policy to project what is referred to by Joseph Nye as "soft power". Here, "soft power" refers to co-optive power which involves the cultural or ideological attraction of international institutions as opposed to "hard power", which mostly involves coercive mechanisms through military, economic or political power. This can be seen particularly through the positioning of Indonesia during the SBY period as a "bridge", "consensus builder" and "problem solver" in regard to world problems such as democracy and human rights.⁴² On one occasion SBY said that:

I know, it is the natural instinct of Americans to want to change the world. What I would like to tell you is that the best way for America to change the world is to share your knowledge with the world...America's enormous power is a source of security to some, and insecurity to others...remember: the use of soft power charms and disarms. Hard power, on the other hand, if it is used incorrectly, provokes resistance and, sometimes, resentment.⁴³

6.4 Indonesia's Elusive Human Rights Policies during SBY Period

The SBY period was marked by a number of human rights policies, which could be considered as a significant turnaround by SBY, compared with his predecessors. The first breakthrough was Indonesia's ratification of two of the most important international human rights instruments, the ICCPR and the ICESCR through law No.12/2005 and law No.11/2005, after the long delay of this process during the Megawati presidency. This indicates that Indonesia did not want to be associated with its past practice of violating civil

³⁹ See Sambhi, June 14, 2013.

⁴⁰ Yudhoyono, May 19, 2005, op.cit.

⁴¹ Dynamic equilibrium, also known as Marty Natalegawa's doctrine, is Indonesia's perception of the regional dynamics where there should be no power that is exclusive and each power or potential power should be allowed to have their portion of influence in global politics in a state of equilibrium in Yudhoyono, 2013.

⁴² See Nye, 1990, pp.166-7.

⁴³ See SBY speech "Indonesia and America in A Changing World" in Yudhoyono, May 25, 2005.

and political rights.⁴⁴ In addition, Indonesia planned to sign the Rome Statute on the ICC, indicating that individuals must not go unpunished if they continue to violate human rights in Indonesia on a mass scale.⁴⁵ During SBY's term in office, the constitutional court also struck out the section of the criminal code dealing with laws of defamation, which had been used to outlaw criticisms of the President, political leaders and the state. This delivered more space for freedom of expression and freedom of the press.⁴⁶

The second breakthrough was regarding Indonesia's handling of its troubled provinces. The Aceh peace accord was reached in August 2005 and Indonesia, under SBY, agreed to give special autonomy to Aceh and ended the 30 years of conflict with the Aceh Separatist Movement or GAM.⁴⁷ SBY's earlier internal military reform and his party coalition with Yusuf Kalla's GOLKAR party also served as a prerequisite for the peaceful solution in Aceh. The ending of Indonesia's human rights abuses in this province was due to SBY managing to secure support from both the military and parliament in resolving the Aceh case. This had become part of Indonesia's chosen policy, as GAM had received significant international support, particularly from the Scandinavian countries, because the movement's leader, Hasan Tiro, was based in Sweden. The cause was internationalised and the process of reconciliation was subsequently mediated by Marti Ahtisaari, from Finland, who later received a Nobel Peace Prize for his efforts. This highlights how Indonesia was able to deal with its separatism problem, not through military means but through a peaceful dialogue which involved an external party, and this is a sign of its relaxation of its rigid concept of sovereignty.

Coincidentally, Indonesia under SBY also seemed more willing to solve its West Papua problem through dialogue and engagement rather than the usage of coercive mechanisms. Although Indonesia refused to discuss the political status of Papua based on its view that the issue had been settled in 1969 through the UN-led "one man, one vote"

⁴⁴ Amartya Sen suggests that both political and economic rights are inextricable and that sacrificing one over the other is not productive in the long run as political rights are important to avert economic disasters in Sen, 1997, op.cit.

⁴⁵ Amnesty International, 1998, op.cit.

⁴⁶ Frederick and Worden, 2011, op.cit., p.286.

⁴⁷ The Helsinki Peace accord between the Republic of Indonesia and the Acehese Separatist Movement was reached and signed in August 2005 under SBY, whereas Wahid managed only to make a national apology and establish a temporary MoU to pause the ongoing conflict, while Megawati had waged war against the Acehese Separatist Movement. Retrieved from <http://www.eu-acehpeace.org/>

referendum, Indonesia did agree that human rights in Papua must be improved. To the central government, any human rights issues that were circulated internationally by the OPM movement and others was a deliberate attempt to secede from the already fractured “unified” state of Indonesia by trying to get international sympathy, as had occurred during the Timor Leste experience.

In terms of secessionist movements and their relationship with human rights, SBY stated that “...the Government intends to solve this [Papua] problem peacefully by putting forward dialogue and a persuasive approach.”⁴⁸ He further added that “...law enforcement and security is conducted with respect given to human rights and the cultural peculiarities of the Papuan community.”⁴⁹ Even so, SBY again reiterated that Aceh and Papua were inseparable parts of Indonesia and he would not negotiate further on the matter. He also expected that this stand would be understood by all parties, internal and external.⁵⁰ SBY stated “...I call on all friendly states and the United Nations to respect Indonesia's territorial integrity and let us solve our own problems”.⁵¹

In his other statement, SBY said that Indonesia had always respected other countries' sovereignty and territorial borders, and in return Indonesia expected other countries to reciprocate.⁵² Here, SBY, legislative members and the military shared almost the same perception that Indonesia's territorial integrity should be construed as an internal problem of a sovereign state, and that external meddling on the issue (unless invited, such as in the Aceh case) would be considered as a provocative act that would strengthen a rigid nationalistic “anti-Western” stand on the issue. For example, Hidayat Nur Wahid, replacing Amien Rais as Head of the MPR, during his US visit in 2009 stated:

I ask members of the [US] congress to genuinely assist Indonesia...I heard that occasionally, a number of congress members tried to raise the Papua issue in the congress.⁵³

⁴⁸ See SBY's speech in Yudhoyono, August 16, 2005. (Unofficial translation made by the researcher).

⁴⁹ See SBY's speech in Yudhoyono, 2013. (Unofficial translation made by the researcher).

⁵⁰ See “Susilo warns U.S. not to interfere in Papua”, July 30, 2005.

⁵¹ Ibid.

⁵² Yudhoyono, 2013, op.cit.

⁵³ See “MPRS-RI: AS Jangan Dukung Separatis Papua”, July 16, 2009.

Yet, despite this nationalistic stand, SBY and the parliament agreed to negotiate and offer special autonomy status to the Papuan people as a solution to the West Papua issue, an offer which effectively halted any possible referendum or secession from Indonesia. Unlike Megawati, this consideration of SBY and the parliament for a special autonomy strategy for Papua can be seen as a sign of Jakarta's moderate stand on the matter and their willingness to better human rights conditions for Papua was a sign of the increasing resilience of the democratisation process in Indonesia.⁵⁴ Under SBY, the government also seemed to be more open concerning external criticism on possible human rights violations in West Papua since the general attitude of his government was pro-democracy and human rights.⁵⁵

Meanwhile, as a follow up to Kofi Anan's UN reform in 2000, upon the establishment of the HRC and the Universal Periodic Review (UPR), the third breakthrough under SBY was Indonesia's international and regional commitment to human rights improvements. Internationally, Indonesia was appointed to the HRC as one of its first members. Such an appointment served as an indication of the international acknowledgement of Indonesia's ongoing human rights progress and Indonesia's overall success in terms of its human rights diplomacy. Indonesia was one of the first members to be reviewed under the UPR mechanism.⁵⁶

The regional breakthrough on human rights is also one of Indonesia's human rights achievements under the SBY period. Indonesia, together with like-minded countries such as Thailand and the Philippines, successfully put forward the ASEAN human rights improvement agenda.⁵⁷ This was exemplified by a number of ASEAN working groups, workshops and a High Level Panel (HLP) which had been set up to assist in drafting the ASEAN convention on human rights.⁵⁸ To date, ASEAN has made important leaps forward in terms of human rights by establishing the ASEAN Charter in 2007, the ASEAN Intergovernmental Commission on Human Rights (AICHR) in 2009 and the ASEAN Human

⁵⁴ See Heidbuchel, 2007, pp.323-8.

⁵⁵ Ibid.

⁵⁶ See "Dewan Ham Sambut Baik Laporan Universal Periodic Review (Upr) Indonesia, April 9, 2008.

⁵⁷ See Ru'land, 2009, pp.374-83.

⁵⁸ Ibid.

Rights Declaration in 2012.⁵⁹ By the same token, SBY also initiated a new multilateral institution known as the BDF. This is a regional intergovernmental forum in which countries in the Asia-Pacific region can work together to develop practices of democracy and human rights, with emphasis on the principles of “dialogue”, “sharing of experience” and “best practices” to develop democracy.⁶⁰ Marty Natalegawa, as SBY’s foreign minister, also reiterated that:

...through a process of sharing lessons learnt, derived from our respective successes and setbacks, we provide mutual encouragement and support in our promotion of the principles of democracy, the rule of law and good governance, respect for and promotion of human rights and fundamental freedoms as inscribed in the ASEAN Charter. Beyond Southeast Asia - Indonesia is pursuing the same positive and constructive approach through what is called the Bali Democracy Forum: a platform for countries in the wider region to share one another’s experiences.⁶¹

Despite such regional progress, the US and Western powers were critical of ASEAN’s human rights progress because the ASEAN human rights mechanism, according to them, tended to defend arguments made by proponents of “Asian Values” rather than of any universal standard.⁶² The US even pressured ASEAN to sanction and punish the Myanmar military regime because of its treatment of human rights and democracy activists (particularly Aung San Syu Ki) by threatening to boycott the ASEAN Summit in 2006, and two major meetings after that, if they were held in Yangon, Myanmar.⁶³ SBY on ASEAN’s unchanged “non-interference” principle said:

This demonstrates ASEAN's fully developed capability to solve its own problems. It shows a delicate sense of balance between non-interference in the affairs of a sovereign state and upholding human rights and fundamental

⁵⁹ See Sukma, 2012, p.80 and Wanandi, November 03, 2008.

⁶⁰ See Clingendael Institute, 2013, pp.2-3.

⁶¹ See Natalegawa, 2013.

⁶² See ASEAN Studies Center, 2012.

⁶³ See Hara, n.d., p.8.

freedoms.⁶⁴

Compounding the issue, there were still lingering domestic problems faced by SBY's government in regard to Indonesia's practice of democracy and human rights. Regarding Indonesia's democracy, SBY stated that:

...the democracy that is currently developing in Indonesia is a home grown one based on Indonesia's experience and not merely an import from the West and hence it does not necessarily have to be a liberal one.⁶⁵

Under SBY's rule, steps were also taken to activate the implementation of MPR Decree No.7/2000, which required civilian crimes committed by military personnel to be tried in a civilian court. Resistance from the military, however, was obvious and the government made a compromise where such cases would be heard in civilian courts but investigation would still be in the hands of military police.⁶⁶ At other times, SBY also seemed to invite the TNI to make their contributions through their territorial function, in order to help the police in responding to terrorists and extremist religious groups. Here Indonesia's civil society voiced their concerns by opposing the idea on the grounds that such steps could justify the return of the military into politics especially at the provincial level.⁶⁷

SBY's government also seemed to be incapacitated when dealing with the Ahmadiyah group issue. The Ahmadiyah case is another state level problem that touches on human rights issues. Ahmadiyah was a branch of Islam led by Mirza Gulam Ahmad, who claimed to have been an Islamic prophet after Muhammad. In Indonesia, Ahmadiyah followers are subjected to intimidation, persecution and most of their places of prayer are singled out for destruction. So, the Ahmadiyah case presented Indonesia with another test in regard to its human rights policy. To deal with the issue, SBY seemed to give in to the Islamist movement pressures at the expense of human rights activists' demands.⁶⁸ SBY, for example, stated:

⁶⁴ See SBY's speech in Yudhoyono, August 8, 2005.

⁶⁵ See Yudhoyono, 2010, pp. 5-10.

⁶⁶ Crouch, 2010, op.cit., p.174.

⁶⁷ See Jemadu, 2007, p. 305.

⁶⁸ See Yudhoyono, 2014, p.190. (Unofficial translation made by the researcher).

Surely I comprehend our constitution, UUD 1945; also the UN declaration on human rights. I understand the individual rights to have his/her own beliefs, but the state also has the responsibility to produce regulations in order to safeguard public safety and prevent violence which threatens lives. My wording is to regulate, not prohibit.⁶⁹

Consequently, the SBY government launched the *Surat Keputusan Bersama* in 2008.⁷⁰ The SKB simply issued a warning that Ahmadiyah members could still practise their religion within their own society but the movement would not be allowed to spread its teaching or convert people. Any infringement would result in five years of prison for the perpetrator.⁷¹ To many analysts, the SKB had indirectly cornered the Ahmadiyah movement.⁷² Even though the decree did not completely denounce Ahmadiyah, it would be sufficient to pacify the movement.

6.5 A Neoclassical Realism Explanations and “Two Level Game” Theory Case Studies

If analysed from neorealism’s perspective, with a reduction of pressures being applied by the Western powers due to the “War on Terror” campaign and the “Rise of China” phenomenon that indicated the PRC’s emergence as a pivotal regional balancer, Indonesia was less constrained in its choice of policy trajectory, due to the opportunities presented in its external environment. Given such external environment, neorealist expectations of Indonesia’s policy would thus be indeterminate. In this sense, Indonesia could have a range of policy options, such as pursuing bandwagoning behaviour, balancing behaviour, hedging behaviour or any combination of these. For example, Indonesia under the rule of SBY can be interpreted as applying an informal bandwagoning with the US. This can be seen in the “comprehensive partnership” established between Indonesia and the US in November 2011, when SBY and Obama affirmed that there were shared values between the two countries. This could also indicate that the US-Indonesia partnership was considered important by both

⁶⁹ Ibid.

⁷⁰ See Platzdasch, 2011. pp.8-9

⁷¹ Ibid.

⁷² Ibid.

states, as was the need to promote democracy and respect for human rights in their respective countries, and internationally, as Indonesia did quite visibly through the forums of ASEAN and BDF.⁷³

However, upon considering the post-Cold War structure of the international system, the “War on Terror”, the “Rise of China” and the recent emergence of democratic forces in Indonesia's domestic politics, Indonesia's state behaviour, particularly on human rights issues, seemed to indicate more than just simple bandwagoning. Mainly, this was because SBY's human rights policies showed great ambiguities. On the one hand, Indonesia seemed to be heading towards great improvements in terms of human rights policy, both internally and externally, as part of its bandwagoning behaviour with Western powers. This can be seen in the 2005 Aceh peace accord, SBY's dialogue and democratic approach to the issue of Papua, and the establishment of ASEAN and BDF human rights mechanisms. On the other hand, SBY's Papua approach and his usage of ASEAN and BDF indicated a possible form of external and internal balancing strategies to promote Indonesia's own interests rather than echoing the great powers' interests. At the same time, SBY also seemed passive in dealing with the persecution against Ahmadiyah followers by Muslim groups. This highlights the shortcomings of neorealist predictions in determining Indonesia's policy trajectory and brings into consideration the potential validity of neoclassical realism as a tool of analysis.

In accordance with neoclassical realism, although the external environment plays a significant part in constraining policy options, the domestic environment also potentially constrains policy-making, particularly in a democracy, as it is crucial in limiting the discretionary power of state authorities in extracting or mobilising national resources to support certain policies, inclusive of human rights policies. Hence, such domestic inferences could potentially lead to state behaviour that deviates from the assumptions of neorealism. At this stage, due to neorealism's indeterminacy as Indonesia was facing low external pressure to better its human rights conditions, it was the changes in Indonesia's domestic power structure that presented more potent challenges to policy-making. Mostly, this was because after several amendments to the UUD 1945 and ongoing democratic reforms, the parliament's power status had received a significant boost through the recent check-and-balance scheme,

⁷³ See The White House Office of the Press Secretary, November 18, 2011.

and both civil society and NGOs were reinvigorated. Under the recent amendments, the parliament could play a vital role in influencing policies since it had been granted with constitutional rights to question the President, launch legal investigations and even to impeach the President, as seen in Wahid's experience. This means that Indonesia's democracy during the SBY period had given way to new developments of domestic political institutions which could now act as domestic constraints for policy options.

However, as during Megawati's presidency, Indonesia's democratic institutions and processes under SBY, though institutionally progressive, were still prone to manipulation to preserve individual leaders' interests in the actual political process. During SBY's period, in terms of policy-making, the President seemed to manage to bypass any domestic constraints through strategic manoeuvres and through exploiting the existing constitutional gap. Regarding strategic manoeuvres, for example, SBY managed to contain Megawati as the opposition leader by out-maneuvring her through Yusuf Kalla's appointment as vice President and nomination as the head of the GOLKAR party. At the same time, SBY managed to persuade a majority of Islamic parties to bandwagon with his party coalition in the DPR due to the fact that prominent Islamic figures such as Abdurahman Wahid had retracted from politics, and Amien Rais, who had resigned as the MPR chairman to become a presidential contender in 2004, had lost most of his supporters.⁷⁴ Meanwhile, resistance from the military to SBY's policies was also nullified by his selection of protégés within the army. By securing majority parties through parliamentary coalition and military support, he was able to neutralise most domestic political oppositions and, hence, he was able to easily extract resources to support of his policies. Regarding the constitutional gap, for example, although the bill approval process indicates that each bill or policy presented by the government must be considered by the DPR through its eleven commissions, the President was still granted veto power of such bills by the constitution.⁷⁵ Thus, with SBY's party coalition commanding an overwhelming majority in the parliament, SBY's policies, despite being scrutinised by the

⁷⁴ Amien Rais's divisive and not-sticking-to-reform attitude, as well as politicking with Wahid and Megawati, weakens his image as a reformer and a democratic opposition, as well as the image of his party 'PAN', especially as most PAN leaders also decided to bandwagon with Yudhoyono. After completion of his term as the MPR chairman, in October 2004, Amien would resign from politics. Meanwhile, in the 2004 election, there was a major split in the PKB between supporters of Wahid and those who were anti-Wahid, with each claiming to represent the party. They remained independent of Yudhoyono's policy, sometimes supporting and sometimes opposing. However, after 2007, the PKB threw its weight behind Yudhoyono, signalling Wahid's complete loss of political control over his own party. Frederick and Worden, 2011, op.cit., pp. 270-1.

⁷⁵ Ibid, pp.235-8.

eleven commissions, were rarely rejected.

The question would then be: if SBY faced low external pressure to improve human rights conditions and a controlled domestic environment, as during Megawati's period, why would he pursue a more proactive human rights policy than Megawati? In answering the question, if seen from a neoclassical realism approach, another possible intervening variable in explaining Indonesia's behaviour (given the existing systemic conditioning and a controlled domestic power structure) could also be traced from the individual leader's perception. In this case, as the President, SBY's own perception of democracy (inclusive to human rights) and Indonesia's state's relative power distribution is the crucial intervening variable in determining whether Indonesia should bandwagon or balance the existing hegemony. If seen from the "Two Level Game" theory logic in modifying neoclassical realism, SBY's perceptions of the issues of human rights should also be complemented with his reasoning in finding an acceptable trade-off between foreign pressures and domestic expectations.⁷⁶ Failure to do so would entail systemic punishments or domestic ousting from power, as seen in Suharto, Habibie and Wahid's experiences. The tandem approach of neoclassical realism's "domestic power structure-leader's perception" model and "Two Level Game" theory analysis can, thus, be applied in order to better understand SBY's human rights choices and to show the actual interplay between foreign constraints and domestic concerns in the three case studies discussed below.

On the issues of ASEAN and BDF, the Western powers' pressures to influence Indonesia's domestic or regional affairs had created resentment among nationalist circles within Indonesia where suspicion of foreign motives was already running high.⁷⁷ The parliament and Indonesia's middle class were already indignant of the fact that Indonesia and ASEAN had been subjugated by the Western powers to abide by Western "double-standards" in terms of being expected to carry out human rights and democratic reforms while also being involved in terrorist "witch-hunts" which had also violated a number of human rights norms.⁷⁸ This led to widespread public support among Muslim groups, academics, activists, NGOs and parliamentarians for the inclusion of Indonesia's own democratic values and

⁷⁶ Putnam, 1988, op.cit.

⁷⁷ See Jones, (n.d.), p.4.

⁷⁸ Ibid.

experiences agenda into the projection of SBY's human rights policy in relation to ASEAN.

Thus, if analysed via the neoclassical realism 'domestic power structure-leader's perception' model, the low external pressures at the time, SBY's perceptions of Indonesia's distinctive definition of democracy and human rights, and Indonesia's increased strength in terms of the elites within Indonesia's domestic power structure (namely the DPR) resulted in Indonesia's soft form of balancing behaviour against the US and Western powers. SBY, for example, had maintained Megawati's policy of reviving the vitality of ASEAN as Indonesia's main instrument to withstand external influences, through the ASEAN human rights mechanisms, as stipulated by the ASC.⁷⁹ Then, Indonesia under SBY continued its balancing act through the diplomatic manoeuvre of refusing to support a US-sponsored UN Security Council resolution, in January 2007, criticizing Myanmar's human rights record.⁸⁰ Indonesia also rejected France's UN Security Council proposal to apply the "responsibility to protect" (R2P) principle to Myanmar regarding the handling of the Cyclone Nargis in 2008.⁸¹ In addition, Indonesia also abstained from, or voted against, any UN General Assembly resolutions concerning Myanmar's human rights conditions.⁸² Thus, in order to promote Indonesia's own strategic interests, in this regard, SBY had implied that the region had possessed an ASEAN version of human rights mechanism which may or may not correspond to Western or external standards of human rights protection.

As the parliament and civil society seemed to be supportive of any move by SBY to counter the US' "hard power" in spreading human rights and democracy in the region, Indonesia under SBY also began to embark on another balancing act. The "soft power" or soft balancing was later demonstrated by Indonesia's proactive effort to strengthen the development of democracy and human rights in the region through the creation of the BDF for democratic and non-democratic states, such as the PRC. Such "soft power" roles displayed by Indonesia are extremely significant, especially in dealing with the US human rights pressures as well as the US' unilateral actions in the "War on Terror" campaign involving its justification of bringing democracy to undemocratic states. Indonesia, for example, tried to resort to the middle path by constructively being the bridge between the

⁷⁹ See Irfa, 2010.

⁸⁰ See Sukma, 2011, pp. 110-23.

⁸¹ Ibid.

⁸² Ibid.

West and the Islamic World, especially in matters regarding terrorism, democracy and human rights.⁸³ This policy indicated Indonesia's human rights strategic interests and implied a "soft power" form of Indonesia's external balancing policy against the US' "hard power" influence in the Asia-Pacific region.

Once again, the convergence between SBY's perceptions and his parliament's position on the possible threat from the Western powers' subjugation of democracy and human rights values resulted in Indonesia's attempts at several forms of internal balancing, a soft form of external balancing or "soft power" and hedging, especially as many of the legislative members still held nationalistic perceptions that external powers, namely the US and its allies, were trying to maintain their influence on Indonesia and, hence, displayed anti-West attitudes.⁸⁴ Thus, the interplay between external and internal variables resulted in Indonesia's state balancing behaviour in terms of human rights policy. ASEAN and BDF, in this sense, were used by Indonesia, under SBY, as a way of showing that democracy and human rights are better achieved through dialogue and sharing of experience and problems among stakeholders, or through "soft power", and not through the Western powers' displays of "hard power" in form of sanctions and threats.⁸⁵ At the same time, it also indicated the possibility of Indonesia's close engagement with the PRC, should the US continue its subjugation of democratic and human rights values.

In consideration of Indonesia's regional balancing act, the West Papua case also provided Indonesia with another important human rights issue. Regarding systemic conditioning, the West Papua issue had received a lot of international exposure, mostly due to the efforts of a coalition of transnational advocacy networks in exposing human rights violations in Indonesia, particularly concerning West Papua, which continued to taint Indonesia's overall human rights record.⁸⁶ Such attempts were further bolstered by the US congress's involvement in the matter, as the US expressed human rights concern for West Papua, particularly regarding the military's abuse of human rights in Papua.⁸⁷ Yet, such pressures had not been substantiated nor had they led to suspension of military

⁸³ As seen in Indonesia's fostering of inter-faith dialogue and cooperation in Yudhoyono, 2004, pp.87-92.

⁸⁴ Sukma, 2011, op.cit., p.88

⁸⁵ Ibid.

⁸⁶ Pennington, 2011, op.cit.

⁸⁷ See "Members of U.S. Congress Call Upon Indonesia to End Systematic Abuses in West Papua", November 18, 2011

cooperation or any forms of military and economic sanctions because the US government, in light of the “War on Terror” and the “Rise of China”, seemed to favour a congenial relationship with Indonesia rather than to see Indonesia under a heavy Islamist or Chinese influence.⁸⁸ Even Ban Ki Moon, as the secretary general of the UN, seemed tentative in raising the Papuan issue within the UN.⁸⁹ This makes external pressure for human rights improvements or external threats for supporting a referendum for Papua, as demanded by the Papua secessionist movement, appear to be rather low.

Thus, if seen from the neoclassical realism “domestic power structure-leader’s perception” perspective, considering the low external pressures, several prominent actors seem to have had a say on the matter. For parties and legislative members, the Papua problem was viewed by most as a recalling of the East Timor experience and, hence, strengthened their suspicions that external parties’ interests in Papua did not genuinely reflect human rights concerns or sympathy for the Papuans, but rather were attempts to further weaken Indonesia’s sovereignty and territorial integrity. Meanwhile, the military and KOMNAS HAM seemed approving of the parliament’s and SBY’s Papua’s solution through persuasion.⁹⁰ In this respect, most NGOs, local and international, also seem to have been united in demanding human rights and law enforcement improvements in the Papua province.⁹¹

Regarding leader’s perception, aware of low external pressure and reliable support from his domestic constituent on the matter, SBY was confident enough to warn the Western powers about their meddling in what SBY perceived as Indonesia’s internal affairs. Such a strong stand from the Indonesian government was demonstrated in SBY’s stern warning to the US Congress which had raised concerns over human rights conditions in Indonesia’s Papua province.⁹² Hence, the executive and the legislative reliance on the success of granting special autonomy status to Papua, and the betterment of human rights

⁸⁸ Ibid. The US government, according to congressman Faleomavaega, needs Indonesia as a counterbalance to China.

⁸⁹ See Statement Attributable to the Spokesperson for the UN Secretary-General on Papua, September 13, 2011.

⁹⁰ See “Panglima Larang Jualan HAM di Papua”, December 13, 2006.

⁹¹ See “Universal Periodic Review (UPR) of the Republic of Indonesia”, May – June, 2012 and “Stakeholders Submission concerning the Universal Periodic Review of Indonesia”, November 21, 2011.

⁹² See “Susilo warns U.S. not to interfere in Papua”, July 30, 2005.

conditions, as well as law enforcement in West Papua, were not challenged by the US and Western powers. Interestingly, SBY's choice of bandwagoning policy by aligning Indonesia with the source of threat (in this case the US and the Western powers), as seen in SBY's approach to respect human rights and the rule of law as part of a workable solution for his West Papua problem, can also be seen as an effective strategy in putting Indonesia's interest to maintain its territorial integrity in perfect alignment with the US position on the issue.⁹³

Another important human rights issue that is worthy of analysis during the SBY period is the Ahmadiyah case. Here, if seen from a neorealist perspective, once again, external pressures began to mount. Human Rights Watch had actively monitored the human rights violations committed against Ahmadiyah followers, and NGOs and INGOs had also raised concerns about Indonesia's treatment of Ahmadiyah followers, questioning Indonesia's religious intolerance. Meanwhile, UN High Commissioner for Human Rights, Navi Pillay, had also voiced her concern about the growing religious intolerance in Indonesia.⁹⁴ In addition, 27 US Congress members sent letters to SBY urging him to revoke discriminatory regulations on minority religions.⁹⁵ Yet, this did not impede Obama's praise of Indonesia's practice of pluralism and democracy in 2010 nor prevent SBY from getting the World Statesman award in 2013.⁹⁶ Again, such systemic conditioning indicates that, though concerns about human rights in Indonesia were significantly raised, the pressure exerted was considerably low, especially with the ongoing US-led "War on Terror" campaign.

Meanwhile, if analysed using neoclassical realism's "domestic power structure-leader's perception" model, a new phenomenon in Indonesia's democratic environment had occurred. This was evident in the rise of political Islam in Indonesia's domestic power structure, through parties, organisations and interest groups in dealing with the Ahmadiyah

⁹³ The US government's formal position indicates, so far, that Papua is an undisputed part of Indonesia, despite the fact that a US congressman, namely Congressman Faleomavaega, has shown deep concern for several human rights incidents in Papua in "Members of U.S. Congress Call upon Indonesia to End Systematic Abuses in West Papua", November 18, 2011, op.cit.

⁹⁴ See Palatino, 2013.

⁹⁵ See "27 US Congressmen urge RI to annul bans on Ahmadiyah sect ", March 17, 2011.

⁹⁶ See Tapper and Miller, November 9, 2010 and Palatino, 2013, op.cit.

case.⁹⁷ It is worth noting that Indonesia is semi-secular in terms of state policies with freedom of religion guaranteed in the *Pancasila* and the 1945 Constitution.⁹⁸ At the constitutional level, Indonesia is secular in terms of its legislative process as it does not involve any adoption of religious scriptural text to be imposed on its citizens.⁹⁹ This results in a condition where freedom of religion is guaranteed in Indonesia¹⁰⁰ and is considered as human rights.¹⁰¹ However, freedom of religion in Indonesia should not be understood as a non-derogable right (unlike the right not to be tortured for example) and thus can be limited by the rights of others.¹⁰² Hence, despite of the state nomination of 6 religions¹⁰³ but other belief system outside the 6 six religions is allowed in Indonesia as long as it does not contradict with Indonesia's existing law.¹⁰⁴ The law also indicated that the authority to determine whether a belief system is blasphemous or not and whether it should be allowed or not lies in the President's discretion.¹⁰⁵

In applying the neoclassical realism model in the Ahmadiyah case, even though Ahmadiyah already possessed a legal status in Indonesia, the majority of Sunni Muslims would now utilise Indonesia's new democratic domestic power structure to denounce Ahmadiyah, since a majority of Sunni Muslims refer to the movement as blasphemous. Consequently, Muslims in Indonesia would lobby the parliament, through Islamic parties such as the PAN, PKB, PKS, PPP and Muslim interest groups such as *Majelis Ulama Indonesia* (MUI) or the Indonesian Cleric Council, as well as Muslim NGOs such as FPI, HTI, and *Forum Ulama Indonesia* (FUI) or the Indonesian Cleric Forum, to exert pressure

⁹⁷ See Hadiwinata, 2007, "Civil or Uncivil Society? Islamic Extremism and Democratisation in Indonesia" in Hadiwinata and Christoph, 2007, op.cit., pp.345-60.

⁹⁸ The first point of Pancasila which states that "*ketuhanan yang maha esa*" should be interpreted as the belief in the one and only God since "Esa" is a Sanskrit word which means "as it is" or the characteristic of divinity and not "one" as a literal number since one as a number is supposed to be "Eka" in Sanskrit. The phrase of the first article of Pancasila which is "the belief in the one and only God" is a compromise reached between Sukarno and the Muslim majority to compensate for the 7 wordings regarding Islamic obligations for its Muslim citizens that were taken out from the *Pancasila* to make it more secular. In Indonesia's context, it should also be understood that atheism is not recognised as a system of belief.

⁹⁹ As seen in the rejection of seven Islamic phrases in the preambular chapter of the 1945 constitution as agreed in Jakarta Charter

¹⁰⁰ See article 28E point 1 and 2 of the UUD 1945 constitution

¹⁰¹ See article 28I of the UUD 1945 constitution

¹⁰² See article 28J point 1 and 2 of the UUD 1945 constitution

¹⁰³ See article 1 of law no.1/PnPs/1965 on Blasphemy. Based on the law the six nominated religions are Islam, Catholic, Buddha, Hindu and Confucius.

¹⁰⁴ See article 29 point 2 of the UUD 1945 Constitution

¹⁰⁵ See article 2 point 2 of law no.1/PnPs/1965

on SBY's government to ban and denounce the Ahmadiyah group.¹⁰⁶ To some extent, some Muslim groups also managed to influence the military and police to take action against the Ahmadiyah movement by arresting some of its members and closing down their places of worship. Although opposition groups, such as Megawati's PDIP party, human rights groups and secular NGOs tried to challenge the majority Muslim stand through the *Aliansi Kebangsaan untuk Kebebasan Beragama dan Berkeyakinan* (AKKBB) or National Alliance for Freedom of Religion and Faith, the result was often futile or led to further intimidation by Muslim groups.¹⁰⁷ The political Islamic movement was also considered to be important since SBY's coalition of parties in the parliament also relied heavily on the Islamic parties' cartel, as well as the support of the Islamic population in general.

With regard to leader's perception, SBY seems to have a mixed perception about the Ahmadiyah movement. On one occasion he was noted to have said that he was worried about the growing manifestation of intolerance and that his government would not tolerate any act of senseless violence committed by any group in the name of religion.¹⁰⁸ At other times, SBY seemed to be supportive of the political Islam movements which tried to denounce the Ahmadiyah group. This was seen in SBY's supportive gestures toward MUI actions and his endorsement of the Department of Religious Affairs' policy to reduce the status of Ahmadiyah.¹⁰⁹ SBY's choice of minister for religious affairs also indicated his favouritism towards the majority Sunni Islam, as the minister was recorded to have said that Ahmadiyah and Shiah problems in Indonesia would be easily solved if they all converted to Sunni Islam.¹¹⁰

The solutions for the Ahmadiyah case, however, seem to indicate the dominant influence of Muslim interests in the matter, as SBY would ignore the existing external pressures and opt for a compromise among the parliamentarians and Muslim NGOs by ordering the issuance of a Joint Ministerial Decree or *Surat Keputusan Bersama* (SKB), in 2008, and the continuation of the 1965 Blasphemy Law.¹¹¹ This solution indicates SBY's convergence with the coalition of Muslim groups on the issue as part of his internal

¹⁰⁶ Platzdasch, 2011, op.cit., pp. 8-14.

¹⁰⁷ Ibid, pp. 11-2.

¹⁰⁸ See Parlina and Aritonang, June 01, 2013.

¹⁰⁹ Platzdasch, 2011, op.cit.

¹¹⁰ Ibid.

¹¹¹ Ibid.

balancing against possible domestic threat, to maintain his rule while snubbing external pressures. This was due to the fact that Islamic groups and parties, and Indonesia's Muslim majority, were an imminent threat to SBY's rule since they were an inextricable part of his party coalition in the parliament. At the same time, such a strategy also serves as an external bargaining strategy for Indonesia as it tried to send a message to the Western powers that their subjugation of Indonesia to force the embrace of a liberal democracy and human rights opened the way for the rise of political Islam, which may be costly to the US' "War on Terror" agenda in the region.¹¹²

From the three case studies presented above, if seen from "Two Level Game" theory logic, it is clear that, like Megawati before him, SBY's reasoning of the external and internal factors successfully managed to find the balance in the trade-off between the external constraints and domestic expectations, or a condition Robert Putnam referred to as a "synergistic linkage".¹¹³ This can be seen from the US and Western powers' toleration for SBY's internal and external balancing behaviour with regard to Indonesia's human rights policies, as well as SBY's success in maintaining his domestic rule until the expiration of his leadership in 2004 without significant challenges to his rule or policies. From this theoretical approach, it is clear that SBY's human rights policies and perceptions clearly served as political tools to secure his own rule, which may or may not have contributed to the overall promotion of, or better respect for, human rights in Indonesia. Thus, SBY's usage of human rights policies is in accordance with realism's approach to the concept of human rights as an instrument of power.

6.6 Conclusion

To conclude, the research in this chapter finds that neoclassical realism is a better explanation for this period than neorealism. Mainly, this was due to the low pressure exerted by the major powers, which makes neorealism indeterminate. Additionally, there is the anomaly of Indonesia's progression as a democracy, where domestic political institutions were increasingly becoming effective while, at the same time, the presidential figure was still in a privileged position, based on the newly amended UUD 1945.

¹¹² Sukma, 2011, op.cit., p. 112.

¹¹³ Putnam, 1988, op.cit.

According to neoclassical realism, SBY's human rights policy can be understood as mostly a form of balancing strategy directed against Western powers. Such policy choices also indicate both a continuation and a shift from Megawati's human rights policy, as SBY seemed to be selective in promoting Indonesia's human rights development, despite his proactive agenda. Here, it is also important to note that, despite the existence of external and domestic constraints, the figure of SBY managed to maintain his rule through balancing internal and external threats. In this regard, the challenges posited by Indonesia's domestic power structure could be overcome by the leaders' political manoeuvring, causing the figure of SBY to be able to bypass any domestic hurdles for his policy options. This resulted in the condition where, despite the existence of influential institutions and figures in trying to affect policy outcomes, the dominance of the President's perception in determining policy choices remains as the most crucial intervening variable.

The interplay between SBY's reasoning between domestic expectations and hurdles on the one hand, and foreign threats and opportunities on the other, can be analysed through the "Two Level Game" theory in understanding SBY's policies through ASEAN and BDF, West Papua and the Ahmadiyah cases. In short, in spite of his remarkable achievements in terms of promoting human rights, SBY's policies on human rights seem to have served a number of interests in order to secure his leadership, stability and Indonesia's territorial integrity. He also seems to have prioritised stability and national consolidation over the prominence of human rights, as seen in the cases of ASEAN, BDF, West Papua and Ahmadiyah.

CHAPTER 7

Conclusion

7.1 Introduction

This chapter will summarize the findings of all the case studies explored in this dissertation. The first section of this chapter will discuss the suitability of the neoclassical realism “domestic power structure-leader’s perception” model for the study of Indonesia’s human rights policy, based on the research findings. The second section will elaborate on the findings of the application of the neoclassical realism approach to the Indonesian case studies. The third section will relate impacts of the research to the existing IR literature and how neoclassical realism needs to be further modified and revised in order to provide a more comprehensive explanation of the policy transformation of Indonesian human rights policy and the development of democracy in Indonesia despite of its known suitability. The last section will make some overall conclusions and highlight where further research is needed.

7.2 Neoclassical Realism ‘Domestic Power Structure-Leader’s Perception’ as an Apt Model for Indonesia’s Case

This research has demonstrated the potential of neoclassical realism, as a realism sub-school, in analysing the human rights policy of a former colony, third world and developing country. Similar to subaltern realism, neoclassical realism seeks to overcome the flaw in most IR theories that claim to transcend time and space or apply in a universal sense. In overcoming such condition, this research has, thus, tested the validity of neoclassical realism “domestic power structure-leader’s perception” model with important subaltern realism modification such as through a historically-grounded approach in discerning Indonesia’s state behaviour. Another important point that is still related with Indonesia’s condition as a small-to-middle power is that the findings of this research also suggested that human rights policy (like any other government policy) has little to do with liberal values, ethnocentrism, “moral polytheism” or universalism, since human rights policy is simply a political manoeuvre

which can certainly be practised by either great or small powers in a two-way direction that often involves material-utility rather than normative reasoning and choices.

The shift or continuation of Indonesia's human rights policy may be analysed from many different approaches, such as liberalism and constructivism, but it has been argued by this research that the realism paradigm provides a more comprehensive analysis through the neoclassical realism "domestic power structure-leader's perception" model. Neoclassical realism, as an analytical tool, has been used to highlight the centrality of external factors' roles in advancing or discouraging human rights improvements in Indonesia, and at the same time analyses how Indonesia's domestic politics responded to such external imperatives in deciding a shift or continuation in terms of human rights policy. Neoclassical realism analysis of Indonesia's state behaviour regarding its human rights policy has shown that, in contrast with neorealism's assumptions, Indonesia as a developing power is not a passive recipient of external pressures exerted by great powers. It managed to co-opt, align or even defy such pressures in accordance with its own strategic interests, as investigated by the neoclassical realism opening of the domestic "black box".

The assumptions made by liberalist and constructivist scholars in analysing Indonesia's human rights policy shift or continuation tend to overlook the role of power politics, namely the great powers' strategic interests in Indonesia, as well as Indonesia's own strategic interests that greatly affected Indonesia's choices of human rights policy. In terms of the dominance of the great powers' strategic interests in Indonesia, their continuous involvement in the development of Indonesia's domestic politics through direct or indirect interference has significantly affected Indonesia's choice of human rights policy. By the same token, Indonesia's own strategic posturing in relation to the great powers' interests has also been effective in utilising the continuous involvement of those great powers (namely the Western powers, USSR/Russia and PRC), ever since Indonesia's independence up to the present time, to entertain Indonesia's causes or national interests. Such a mutual relationship between the two allows Indonesia, despite its small-to-middle power, third world and developing country status, to have a number of policy options: either to defy, contest, or accept international norms such as human rights norms. This indicates that Indonesia, as a state, is not a passive recipient of external values, constraints or pressures exerted by great powers.

By considering the arguments presented in the case study chapters of this research, the neoclassical realism method of analysis is effective in incorporating neorealism motives behind Indonesia's policy choices. Neoclassical realism analysis, combined with Indonesia's historical and comparative studies as applied in this research, for example, is able to account for the influence of the great powers on Indonesia throughout its history and Indonesia's development as a modern state. Consistent with neorealist expectation this research has shown the great powers' important roles in the formation of the regional and international structure of the system (the bi-polar, multi-polar or uni-polar structure) which acts as a constraint for the units (in this case the Indonesian state) and their policy options. This is consistent with neoclassical realism's expectation of the importance of a state's relative power distribution and the interests of great powers as a starting point of analysis. Indonesia's case has demonstrated the correlation between the rising or declining power status of the great powers and a small power's (like Indonesia's) policy, as demonstrated by the impact of the declining power status of the British Empire, the rise of US power, the fall of the USSR and the rise of the PRC on the formation of Indonesia's human rights policy. At the same time, the great powers' changing agenda and interests have also been proven to be highly influential for Indonesia's human rights policy choices, as seen in the US "domino theory/communist containment", "democratic enlargement" and "War on Terror" doctrines and the PRC's "intermediate zone".

Yet, neoclassical realism also provides more insightful explanations regarding contradictions and deviations from neorealist assumptions which increase the validity of neoclassical realism's assumption of the existence of an "imperfect transmission belt". Through neoclassical realism's potential for opening the domestic "black box" of the state, the researcher is able to explore the deviations of Indonesia's human rights policy from neorealism's assumptions. Throughout its history, Indonesia has shown a number of deviations from neorealism's assumption of an interrupted process between external pressures and policy options. For example, in 1955, during the "heat" of the Cold War and after the US support for Indonesia's independence cause, as well as the US persuasion to join its bloc, Indonesia would instead choose to oppose imperialism and the Western powers' hegemony and would instead promote a third world version of human rights and a non-aligned policy. Such a move is a deviation from the neorealism logic since most countries in South East Asia at the time tended to bandwagon with their former coloniser or any powers

which could guarantee their survival and security against the external threats. This can be seen in Myanmar's bandwagoning behaviour with the PRC by emulating PRC's authoritarian system while relying on PRC for security, and the Philippines bandwagoning behaviour with the US by emulating democracy and human rights while relying on the US for security. In this regard, Indonesia's chosen human rights policies seem to have been connected with Indonesia's perceptions of threat and Indonesia's own interests, as it instead tried to lessen the Western powers' influence or halt the spread of democracy and human rights in the region. One way of investigating such deviation is by looking at Indonesia's domestic variables to explain the reasoning behind such policy options.

As neoclassical realism is quite loose in determining the potential intervening variables, the research utilises two domestic variables which are most influential and still fall within the realism domain in explaining Indonesia's policy choices, namely "domestic power structure" and "leader's perception". In terms of domestic power structure, Indonesia's internal power structure seems to be evolving from the one that had been designed based on the consent of its own people, known as the UUD 1945, to the ones that have been compromised by the influence of external powers, either directly (such as the colonial-written 1949 constitution) or indirectly (by the inclusion of 1948 UDHR principles in the Post-Suharto 1945 constitutional amendments). Such external influences have demonstrated the interplay between external and internal factors in deciding the kinds of domestic political system that Indonesia embraced and the individuals who headed the system and, hence, had the decision-making power in terms of policy making, regardless of whether it was a *Pancasila* Democracy or Guided Democracy authoritarian system. In terms of leader's perception, the individual actor's perception of threats, the state's relative power and his/her own view of human rights and democracy have also been proven to be crucial aspects of the policy-making process. This can be seen in the views held by Sukarno, Hatta, Yamin, Suharto, Habibie, Wahid, Rais, Megawati and SBY, which have all impacted on Indonesia's human rights policy choices.

Overall, the research has demonstrated that the analytical framework and assumptions of neoclassical realism are applicable in investigating the Indonesian case because they are able to explain in great details of the reasoning behind Indonesia's human rights policy shift or continuation. This is compelling because neoclassical realism as a theoretical approach has the fluidity and flexibility to explain Indonesia's human rights policy shift or continuation

from its inception as a nation state to the present time. In this regard, neoclassical realism has the capability of being combined with historical analysis in discerning the progressive behaviour of the state and the evolution of policies, as exemplified by Indonesia's experience. At the same time, neoclassical realism also can be useful for comparative studies because it is able to analyse the different or similar patterns in a state's behaviour within different time periods in response to the changing external, as well as domestic, environments. On this note, neoclassical realism's potential in discerning policy-making behaviour is effective in discerning the policy steps taken by a state, (inclusive of a third world and developing state like Indonesia, and in contrast to realism's main emphasis on the great powers), the evolution of policies and the pattern of policy changes as part of its strength.

7.3 Thesis Findings and Contribution of Research

This research found that a developing country's dependence upon external constraints/opportunities can be used by leaders to hold its divided domestic forces under control, as long as the country rightly takes the position for their state survival. Choosing the wrong side, however, will instead unleash potential fragmentation of domestic forces where, in such a condition, foreign interests are more likely to prevail over domestic ones. Such findings can be substantiated by the example of Suharto's right choice to bandwagon with the US (anti-communism stance) in order to control domestic oppositions and secessionist movements during the Cold War which was effective for 32 years. Meanwhile, Sukarno's and Habibie's wrong choices are evidenced by the aggravation of the divisions in domestic forces. This can be seen in Sukarno's favouring of anti-West movements which resulted in the PRRI/Permesta secessionist attempt in 1957-58 and Sukarno's downfall in 1966 through external-domestic forces collaboration. Meanwhile, Habibie's siding with the domestic democratic forces resulted in East Timor seceding from Indonesia and Habibie stepping down from power in 1999.

This research also found that, despite of Indonesia's new developing democracy, the new amended version of Indonesia's UUD 1945 constitution in the post-reformasi era still privileges the presidential position as the head of the executive. This renders the condition where the decision-making power is still vested in the President as Indonesia still has an

insufficient mechanism for power sharing or check-and-balances between the executive and legislative. In such a case, the policy-relevant coalition-building would be restricted to the political elites or the President's inner circle and these elites would be likely to have a more discretionary power to formulate human rights policy than any external influence, if the great powers are not committed to press human rights issues, as seen in Indonesia's human rights violations during its East Timor campaign. This was also strengthened by the fact that, as argued by offensive realist, most of the time, great powers' interests outweighed the importance of human rights norms, as demonstrated by the ending of the Cold War and the commencement of the "War on Terror". Such conditions may create an anomaly in policy choices and the situation would be more likely to deviate from neorealism logic due to probable misperceptions, incomplete information or simply a whim on the part of the political leader or the elite.

Another finding of this research is that, if the global strategic environment changes (i.e. ending of the Cold War), then leaders which exploit external conditions to safeguard their rules or states which exploit external conditions to maintain control over domestic political cleavages may find a lessening or intensifying of constraints to their policies. In Indonesia's case, the ending of the Cold War, theoretically, could have freed the "winners" to pursue human rights matters to a greater extent, since the security threat from their main adversary had all but disappeared, creating greater constraints for Suharto's leadership. However, such changes in external environment also change the domestic dynamics of ruling, as both may interact. Here, leaders who utilise such given external constraints or opportunities to maintain effective leadership may no longer be able to do so, since domestic forces (political elites and societal actors) are likely to develop their abilities to seek political power to contend with the elites. In this regard, given the external opportunity, developing countries are expected to have a higher degree of societal mobilisation, if compared with the developed ones. If domestic forces are able to seek and maintain power, such as by strengthening domestic political institutions or maintaining democratic momentum, then political elites in the developing country need to engage in continuous bargaining/trade-off processes in search of human rights policy compromises in an interface of give-and-take between domestic audiences' acceptance and international forces' demands.

Also, this research indicates that a small-to-middle power, a third world and developing country, like Indonesia, with a long colonial experience and a strong sense of

nationalism, is more likely to engage in a balancing behaviour than bandwagoning in responding to its external constraints, as can be partly seen from its chosen human rights policies. This is pertinent as such a finding may question Stephen Walt's assumption, as a defensive realist, which states that in general weaker states have the tendency to bandwagon with great powers rather than to balance.¹ It is also important to note that the research found that Indonesia, most of the time, would engage the external constraints through an internal balancing behaviour (by either emulating or innovating) regardless of whether the leader's perceptions indicated Indonesia as weak or strong in terms of state relative power distribution. In this regard, Indonesia would be engaging in a soft form of external balancing, such as by hedging, diplomatic coalition, regional groupings, or both internal and external balancing, only when in a condition of low external pressure and the leader's views of the state's relative power distribution was strong. The only exception to such a pattern is during Sukarno's Guided Democracy (1957-1966) era when, despite the high external pressure as seen in the US' covert support for the PRRI/Permesta and the US' economic conditioning, Sukarno applied both internal and external balancing, instead of sheer internal balancing. Sukarno, with his perception of strength, as symbolised by his famous "go to hell with your aid" slogan, decided to apply internal balancing as demonstrated by his innovation of creating a democracy that was semi-authoritarian as a way of consolidating domestic power and combining this with his external balancing policy by denouncing the UN, put forwarding Indonesia's traditional values and anti-imperialism rhetoric, and establishing the NAM. At other times, if external constraints became an opportunity rather than a threat for Indonesia, it would most likely engage in a bandwagoning behaviour by aligning its interests with the external drive or appeasing them.

Such findings have suggested the validity of this research in pointing out the correlation and causal relation between Indonesia's external and internal environments in Indonesian human rights policy decision making. It also suggests which factors can override others and under what conditions these can be determining factors in affecting state behaviour (whether the condition is favourable or unfavourable). In this regard, Indonesia's domestic power structure and its leader's perception have been determining factors as the intervening variables in affecting Indonesia's behaviour to balance or bandwagon as the chosen state behaviour in responding to external constraints or pressures. The result of such

¹ See Walt, 2007, p.100.

chosen behaviour has implications for Indonesia's human rights policy, whether this leads to a policy continuation or a shift from the previous era. Mainly, as this thesis suggests, Indonesia's human rights policy is correlated to Indonesia's leaders' decisions to heed or defy external pressures. In this sense, the existence of external constraints and domestic politics are in a cause-effect relationship, with Indonesia's human rights policy outcomes being affected by the possible interplay between the two levels of politics. Mainly, this is because, as this research found, insistence on human rights has been one of the most dominant external pressures that have been directed at Indonesia and it has been proven, since Indonesia's inception, to be one of the most influential and constant external pressures.

The research findings are also pertinent to the realism school of thought due to the possible modification of neoclassical realism analysis by other mid-range theories, which can be used in tandem in order to fully understand the relationships between external and internal factors in influencing the transformation of Indonesia's human rights policy. The combination of these analyses is able to show the interplay between the external factors, in terms of constraints and pressures, and Indonesia's internal political context and national interests. As this research has demonstrated, neoclassical realism modification through the usage of Steven R. David's "omnibalancing" thesis and Robert Putnam's "Two Level Game" theory analysis provides a more complete picture in showing the interplay between two levels of politics (domestic and external) in affecting policy outcomes. Although neoclassical realism maintains the supremacy of neorealism external constraints, but David's "omnibalancing" thesis has pointed the need for realism to be modified since leaders especially leaders in former colonies and third world states face both external and internal threats to their rule and hence they tend to balance both threats through "omnibalancing". In this regard, neoclassical realism emphasis on the role of leaders in policy making and its possible investigation into domestic variables by opening neorealism's "black box" fits well with David's "omnibalancing" analysis of the third world.

Meanwhile, Putnam's "Two Level Game" theory also complements neoclassical realism analysis in a crucial way. Whereas neoclassical realism maintains the dominance of neorealism systemic imperative in affecting policy outcome and explains how domestic intervening variables respond to external constraints and opportunities, but there are times when external imperatives becomes less influential in affecting policies as they are sometime indeterminate in encouraging states behaviour. As shown in this research such condition is

mainly caused by the existence of a hegemonic balancer or competition among great powers such as the emergence of US and USSR as Cold War competing powers, “Rise of China” or a rapid change in global agenda such as from “democratic enlargement” to the “War on Terror” as external threats can quickly become opportunities for a country like Indonesia and vice versa. In such condition neorealism and neoclassical realism investigation can only pin point the underlying factors of a policy response through an investigation into the external, internal and individual variables or the correlation among them but neorealism and neoclassical realism alone cannot fully explain the causal relation or the interplay between the variables in affecting policy choices. This is when Putnam’s “Two Level Game” modification becomes pertinent as it is able to use neorealism and neoclassical realism external and internal variables in an interactive and dynamic way to explain policy choices taken by leaders. Thus, this research found that the actual interplay between neoclassical realism’s external and internal factors with “omnibalancing” and “Two Level Game” theory modifications in determining Indonesia’s behaviour, as a former colony, third world state, and developing country significantly causes Indonesia’s shifting or continuation of human rights policy, as presented in Figure 1.2.

Figure 1.2

Neoclassical Realism “Domestic Power Structure-Leader’s Perception” Model

Systemic constraints and time period	Strong perception of state relative power distribution	Weak perception of state relative power distribution	Dispersion of power in domestic power structure	Centralized power in domestic power structure	Indonesian state behaviour
High External Pressure 1945-1950		X (Syahrir’s and Hatta’s views)	X (Sukarno as President Syahrir and Hatta as Prime Minister)		Appeasing, aligning, omni-balancing
Moderate External Pressure 1950-1954		X (Natsir’s, Sukiman’s, Wilopo’s perceptions)	X (Sukarno as President and Natsir, Sukiman, Wilopo as Prime Minister)		Bandwagoning
Moderate External Pressure 1955-1957	X (Sukarno’s and Ali’s perceptions)		X (Sukarno as President and Ali as Prime		Internal balancing

			Minister)		
High External Pressure 1957-1966	X (Sukarno's perception)			X (Sukarno as the President)	External and internal balancing
Low External Pressure 1966-1989		X (Suharto's perception)		X (Suharto as President)	Bandwagoning and internal balancing
High External Pressure 1990-1997	X (Suharto's perception)			X (Suharto as President)	Internal and external balancing
High External Pressure 1998-1999		X (Habibie's perception)		X (Habibie as the President)	Internal Balancing,
Moderate External Pressure 1999-2001	X (Amien Rais's perception)	X (Wahid's perception)	X (Wahid as the President, but Amien Rais as the head of the MPR)		Internal balancing
Low External Pressure 2001-2004	X (Megawati's perception)			X (Megawati as the President)	Internal balancing and bandwagoning
Low External Pressure 2004-2014	X (SBY's perception)			X (SBY as the President)	Internal and external balancing

Note:

- Bandwagoning, aligning, appeasing: Pro-West human rights policy
- Internal and external balancing: Indonesia's own human rights policy
- Omnibalancing is semi-bandwagoning and semi-balancing: Pro-West human rights policy for the purpose of balancing a primary threat

7.4 Impact of the Research

The research findings are also important for great and small powers' policies with regard to human rights. The success of great powers in pressuring a small-to-middle power like Indonesia to promote democracy and human rights should not rely mostly on coercive measures, such as sanctions, the funding of domestic networks to pressure targeted governments, or isolation policies. As Indonesia's case has shown, when Sukarno was pressured by the US to join the "free world" cause and the US substantiated such pressure with economic or military assistance, or the withholding of assistance, Sukarno decided to counter such measures with his very own internal and external balancing strategies. Likewise, Suharto's alignment with the US "communist containment" agenda and his invocation of

“Asian Values”, Megawati’s alignment with the US “War on Terror” agenda and SBY’s “soft power” projection are all counter-balancing strategies that could impede great powers’ ambitions to make Indonesia respect human rights.

Based on the research findings, it would also be counter-productive for small-to-middle powers to continue their violations of human rights. This is due to the multiple international agreements that have been achieved on human rights that are claimed to be universal, regardless of the double standards displayed by those who dominated the drafting of such instruments. Thus, both alignment of interests with the major powers and a deliberate anti-human rights strategy in order to continue violations of human rights will not be sustainable. As Indonesia’s case has shown, in the end, governments will have to comply with or enforce minimum standards of human rights, regardless of the anti-human rights strategy or policy being used. In this context, preventing “double standard-ness” and politicking in terms of the global promotion of human rights has been proven, in Indonesia’s case, to be the most effective strategy because it will not raise anti-West sentiments, extreme Islamist interpretations or excessive nationalistic overtones within the domestic environment of policy-making that could be counter-productive to the overall promotion of, and protection purposes of, human rights.

The research findings for NGOs and democratic groups also are crucial. In this regard, democratic movements and human rights INGOs and NGOs need to promote their agenda and methods strictly through democratic links and they should be purely for the interest of promoting democracy and human rights. For example, the current practices of INGOs, NGOs and democratic movements in promoting their agenda by hitch-hiking with a great power’s policy as the enforcer have caused their interests to vary from promotion of a genuine democracy and respect for human rights to promoting the great powers’ political interests, hence becoming agents of the great powers whether they realise it or not. The impact of such a method, though effective in the short term, will be ineffective in the long term. Based on the findings of this research, the heavy reliance of democratic movements on the Western powers have caused them to be ineffective once human rights-violating governments pursue the same strategy by aligning their own interests with Western powers’ interests. Indonesia has been one of the most successful countries to do so, as seen in Suharto’s “New Order” regime’s ability to suppress democratic movements by aligning its own interests with the Western powers’ “communist containment” agenda, or Megawati’s

ability to isolate NGOs and democratic movements by joining the US' "War on Terror" campaign. In this regard, most of the time, NGOs or INGOs will lack the bargaining power when compared with the targeted state in vying for a great power's support. At other times, NGO and INGO's credibility as human rights or democracy advocates will be at stake if the public, as seen in Indonesia's case, views them as foreign agents who are not acting on their behalf. This can be clearly seen in Indonesia's case since, after the great powers which funded the NGOs in Indonesia withdrew their financial support at the end of the *reformasi* period, most NGOs soon collapsed and stopped operating.

As for the future of the research on Indonesia's human rights policy, there are several elements that need to be analysed in order to cover the full spectrum of Indonesia's policy choices. One of them is regarding the formation of Indonesian identity, which falls beyond the scope of neoclassical realism analysis but, nevertheless, is crucial to understand Indonesia's human rights policies. Mainly, this relates to neoclassical realism's restricted usage of intervening variables, which still falls under the realism domain and does not venture into the constructivism domain of identity or norm formation. Despite such a restriction, neoclassical realism's limited understanding of the importance of identity formation indicates one of neoclassical realism's weaknesses as a tool of analysis. Mostly, this is because identity formation also plays a significant part in a great power's isolation policies, especially with regard to building a state's identity as a "democracy" or some other form. Such argument is crucial because isolation policies have played a significant role in most Western powers' strategies to promote and protect human rights.

Whereas, in terms of neoclassical realism's approach in discerning Indonesia's human rights policy, future research needs also to study the correlation between Indonesia's foreign policy trajectory and Indonesia's human rights policy trajectory. This is quite an important area of study since, although there are times when the two converge, there were also cases where the two diverged and, hence, the impact upon Indonesia's human rights policy could further be analysed. For example, Indonesia's policy under Wahid, which somehow mirrored a pro-human rights policy based on his neo-modern Islamic view of human rights, clearly diverged from his decision to open diplomatic relations with Israel as his preferred foreign policy (since Israel was seen as a violator of the Palestinian people's rights by the majority of the Indonesian Muslim population) and this later sparked protests from his own Islamic support base.

Also, still within the neoclassical realism framework, there are other potential intervening variables in trying to understand Indonesia's policy continuation or shift which are not activated in this research, namely political legitimacy and both societal and elite cohesion. Political legitimacy, though important for specific foreign policy study such as security studies, is less relevant for Indonesia's human rights policy study. Mainly, this is because, as this thesis has argued, a democratically elected leader or President with a strong legitimacy, such as SBY, may not necessarily advocate a pro-human rights policy. At other times, an undemocratically elected leader, such as Sukarno, Hatta or Syahrir, may instead advocate pro-human rights policies. Hence, the correlation or link between political legitimacy and human rights policy may range from non-existent to blurry. Meanwhile, the same applies to societal and elite cohesion and, though important, investigation of such variables is harder to do, when based on the chosen research design of a historically-grounded approach, as these variables need extensive research and therefore must be undertaken in a restricted study of a specific time period (unlike this research's continuous historical flow design). Even so, a realist researcher should maintain caution in investigating societal relations and elites cohesion because extensive investigation into these intervening variables may potentially intersect with the approach of liberalism and, thus, it may no longer be consistent with realism's approach. Nevertheless, if given the appropriate time and space, these variables can certainly be further explored or studied to determine their link with the human rights policies of small-to-middle powers like Indonesia.

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